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An Act to Amend the Education Law, the New York City Charter and the New York City Administrative Code, in Relation to Establishing a Community School System...

New York State Senate, Albany.

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This is the complete text of a 1968 Act of the New York State Legislature establishing a community school system in New York City. The state education law was amended by the addition of Article 52-A which authorizes this decentralization plan.  
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# STATE OF NEW YORK

4512

## IN SENATE

February 27, 1968

Introduced by COMMITTEE ON RULES—read twice and ordered printed, and when printed to be committed to the Committee on City of New York

### AN ACT

To amend the education law, the New York city charter and the New York city administrative code, in relation to establishing a community school system in the city of New York and repealing certain provisions of the education law relating to the board of education and educational affairs in such city

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

- 1 Section 1. The education law is hereby amended by adding  
2 thereto a new article, to be article fifty-two-A, to read as follows:

3

#### ARTICLE 52-A

4

#### NEW YORK CITY COMMUNITY SCHOOL SYSTEM

5

*Section 2590. Applicability.*

6

*2590-a. Definitions.*

7

*2590-b. Establishment of central board of education and*

8

*community boards of education.*

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is old law to be omitted.

U.S. DEPARTMENT OF HEALTH, EDUCATION  
OFFICE OF EDUCATION

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- 1 2590-c. *Creation of community school districts; continua-*  
2 *tion of city school district of city.*
- 3 2590-d. *Revision of community districts.*
- 4 2590-e. *Community boards of education.*
- 5 2590-f. *Powers and duties of community boards.*
- 6 2590-g. *Central board of education.*
- 7 2590-h. *Powers and duties of central board.*
- 8 2590-i. *Insurance benefits for employees; credit union*  
9 *deductions.*
- 10 2590-j. *Community superintendents of schools.*
- 11 2590-k. *City superintendent of schools.*
- 12 2590-l. *Personnel administration.*
- 13 2590-m. *Removal of tenured personnel.*
- 14 2590-n. *Acquisition, construction and disposition of phys-*  
15 *ical facilities.*
- 16 2590-o. *Contracts and purchases.*
- 17 2590-p. *Adoption of educational budget by city.*
- 18 2590-q. *Budget administration.*
- 19 2590-r. *Financing of school system capital projects.*
- 20 2590-s. *Annual audit and financial report.*
- 21 2590-t. *Custody and disbursement of funds.*
- 22 2590-u. *Corporate schools entitled to participate in cen-*  
23 *tral board funds.*
- 24 2590-v. *Trustees of corporate schools entitled to partici-*  
25 *pate in funds of the central board may convey*  
26 *to city and be merged.*

EDD 511-1-1

1       2590-w. *Certain schools to report as to moneys and attend-*  
 2                                   *ance; accidental omission to report.*

3       2590-x. *Claims, actions and proceedings against central*  
 4                                   *board and community boards.*

5       2590-y. *Liability of central board.*

6       2590-z. *Retirement system for non-pedagogical employees.*

7       2590-aa. *Anniversary day as a holiday in the public schools*  
 8                                   *of the borough of Brooklyn and the borough of*  
 9                                   *Queens.*

10      2590-bb. *Tenure in fashion institute of technology.*

11      2590-cc. *Appointment of experienced substitute teachers.*

12      2590-dd. *Temporary commission on transition.*

13      2590-ee. *Powers of commissioner of education.*

14      2590-ff. *State aid for city school district of the city.*

15      2590-gg. *Continuity of powers, duties, rights and liabilities.*

16      2590-hh. *Pending actions and proceedings.*

17      2590-ii. *Short title.*

18      § 2590. *Applicability. Except as otherwise provided in section*  
 19      *twenty-five hundred ninety-bb of this chapter, this article shall*  
 20      *apply to public education in the city at and below the secondary*  
 21      *education level and to the functions, powers and duties of school*  
 22      *authorities of the city.*

23      § 2590-a. *Definitions. As used in this article, the following*  
 24      *terms shall have the following meanings:*

25      1. *"Board of education". The board of education of the city,*  
 26      *as established pursuant to sections twenty-five hundred fifty-one,*  
 27      *twenty-five hundred fifty-two and twenty-five hundred fifty-three*

1 of this chapter, as in effect prior to July first, nineteen hundred  
2 seventy, and pursuant to section twenty-five hundred ninety-g of  
3 this chapter.

4 2. "Central board". The central board education established  
5 pursuant to section twenty-five hundred ninety-g of this chapter.

6 3. "City". The city of New York.

7 4. "City charter". The New York city charter.

8 5. "City superintendent". The superintendent of schools em-  
9 ployed by the central board pursuant to sections twenty-five hun-  
10 dred ninety-h and twenty-five hundred ninety-k of this chapter.

11 6. "Community board". A community board of education  
12 established pursuant to sections twenty-five hundred ninety-b and  
13 twenty-five hundred ninety-e of this chapter.

14 7. "Community district". A community school district estab-  
15 lished pursuant to section twenty-five hundred ninety-c or twenty-  
16 five hundred ninety-d of this chapter.

17 8. "Community superintendent". A community superintendent  
18 of schools employed pursuant to sections twenty-five hundred  
19 ninety-f and twenty-five hundred ninety-j of this chapter.

20 9. "Comptroller". The comptroller of the city.

21 10. "Mayor". The mayor of the city.

22 11. "Non-pedagogical position". Any position included in the  
23 classified service as defined in section forty of the civil service law.

24 12. "Pedagogical position". (a) Any position, regardless of title,  
25 which (1) entails functions or duties causing any incumbent  
26 thereof to be a member of the teaching or supervisory staff of the  
27 board of education or a community board or the central board



1 and (2) has been certified to the state civil service commission by  
 2 the commissioner of education, pursuant to subdivision g of section  
 3 thirty-five of the civil service law, as a position on the teaching or  
 4 supervisory staff of a school district; and

5 (b) Any other position with any of such boards, the principal  
 6 functions of which position are teaching or the supervision of  
 7 teaching in a public school of the city.

8 13. "Public entity". (a) Any agency or instrumentality of the  
 9 government of the state or the city, including any community board  
 10 and the central board;

11 (b) any public corporation; and

12 (c) any officer or employee or officers or employees of any such  
 13 agency, instrumentality or corporation.

14 14. "Quality incentive fund". The fund established and admin-  
 15 istered pursuant to the provisions of subdivision six of section  
 16 twenty-five hundred ninety-p of this chapter.

17 15. "School system capital project". Any of the following or  
 18 any combination thereof, where provided for the school system of  
 19 the city:

20 (a) The construction of new buildings for uses authorized by  
 21 this chapter;

22 (b) the remodeling or enlargement of buildings under the control  
 23 and management of the central board or a community board;

24 (c) the furnishing and equipment of buildings referred to in  
 25 paragraphs a and b of this subdivision fifteen;

26 (d) the purchase of real property for new sites, additions to  
 27 present sites, playgrounds or recreation centers and for other  
 28 educational or social purposes;

1 (e) Any other physical public betterment or improvement or  
2 acquisition of property of a permanent nature authorized by this  
3 chapter for the school system; and

4 (f) preliminary studies or surveys relative to any of the fore-  
5 going.

6 16. "Teachers' retirement board". The board established pur-  
7 suant to section B20-6.0 of the administrative code of the city.

8 17. "Tenure". The right of an employee to hold his position  
9 during good behavior and during service meeting standards pre-  
10 scribed by or pursuant to law, and not to be removed except for  
11 cause in the manner provided by law. Nothing contained in this  
12 subdivision shall be construed as including within the meaning of  
13 tenure, any right to retain a position which has been abolished in  
14 good faith.

15 18. "Transition commission". The temporary commission on  
16 transition established pursuant to section twenty-five hundred  
17 ninety-dd of this chapter.

18 § 2590-b. Establishment of central board of education and com-  
19 munity boards of education. There are hereby established a cen-  
20 tral board of education and community boards of education, to be  
21 constituted as hereinafter provided in this article. The central  
22 board and community boards shall be bodies corporate.

23 § 2590-c. Creation of community school districts; continuation  
24 of city school district of city. 1. Not later than September first,  
25 nineteen hundred sixty-eight, the transition commission shall pre-  
26 pare and file with the central board, a proposed districting plan  
27 dividing the area within the city into such number of community

1 school districts as it may deem to be appropriate, in accordance  
2 with the standards specified in subdivision three of this section.  
3 Before filing such plan, the transition commission shall, to such  
4 extent as it may deem appropriate, consult with public officials  
5 and public agencies concerned with education and with other  
6 interested organizations and persons.

7 2. (a) Not later than October first, nineteen hundred sixty-eight,  
8 the central board shall approve or disapprove such plan. If such  
9 board shall approve the plan, it shall take effect upon such approval  
10 and shall establish the community districts and the boundaries  
11 thereof as therein specified.

12 (b) If the central board shall disapprove such plan, such board  
13 shall, not later than such October first, submit such plan to the  
14 commissioner of education for determination of the dispute. Not  
15 later than November first, nineteen hundred sixty-eight, the com-  
16 missioner shall render his determination establishing the commu-  
17 nity districts and the boundaries thereof.

18 3. (a) The transition commission, the central board and the  
19 commissioner of education, in performing their respective functions  
20 as above in this section provided, shall seek to create community  
21 districts in such manner as will contribute most effectively to the  
22 establishment of a decentralized school system with a maximum  
23 potential for strengthening education in the city.

24 (b) In so acting, such bodies and the commissioner shall take  
25 into account relevant factors, including, but not limited to, the  
26 following criteria, so far as practicable:

27 (1) Sense of community among residents of districts;



1    (2) *Community districts in which planning boards function,*  
2    *areas designated as units for anti-poverty programs and health*  
3    *and other service areas;*

4    (3) *School feeder patterns;*

5    (4) *Reasonable school utilization;*

6    (5) *Minimization of school change for individual students result-*  
7    *ing from redistricting;*

8    (6) *Pupil mobility;*

9    (7) *Optimum school and district enrollments, without require-*  
10   *ment that districts be equal in student population;*

11   (8) *Securing the maximum practicable diversity of student*  
12   *population;*

13   (9) *Capital construction; and*

14   (10) *Distribution of facilities under school system jurisdiction.*

15   4. *Notwithstanding the establishment of community boards of*  
16   *education and community districts pursuant to the provisions of*  
17   *this article, the city school district of the city is hereby continued,*  
18   *subject to the provisions of this article and the applicable provi-*  
19   *sions of this chapter. The schools, facilities and matters which*  
20   *the central board conducts or administers pursuant to this chapter*  
21   *shall be deemed to be operated or administered in such district by*  
22   *the central board, functioning as the school authorities of such*  
23   *district. The relationship between the central board and the com-*  
24   *munity boards, and between the city school district of the city and*  
25   *the community districts as components thereof, shall be governed*  
26   *by the provisions of this article and the applicable provisions of this*  
27   *chapter. Nothing contained in this subdivision four shall be*

1 construed as diminishing, impairing or affecting the powers, duties  
2 and functions vested in community boards and community districts  
3 by the provisions of this article and the applicable provisions of this  
4 chapter.

5 § 2590-d. Revision of community districts. 1. after expiration  
6 of an initial period of three years next succeeding the establish-  
7 ment of boundaries, under section twenty-five hundred ninety-c  
8 of this chapter, the central board:

9 (a) Upon the petition of a community board desiring a revision  
10 in the boundaries of its district, may revise such boundaries; or

11 (b) Upon motion of the central board pursuant to subdivision  
12 three of this section, may revise the boundaries of any community  
13 district.

14 2. No revision pursuant to subdivision one of this section shall  
15 be made without prior consultation with the community boards of  
16 the districts affected.

17 3. A revision of the boundaries of a community district may be  
18 on the central board's own motion, if it finds such revision neces-  
19 sary to remedy imbalance in school utilization, to improve racial  
20 integration, or to improve the educational system of the city.

21 4. In any such revision, the criteria set forth in subdivision  
22 three of section twenty-five hundred ninety-c of this chapter shall,  
23 insofar as practicable, be observed. Any redistricting shall be  
24 subject to review by and may be reversed or modified by the com-  
25 missioner of education.

26 § 2590-e. Community boards of education. 1. Not later than  
27 September first, nineteen hundred sixty-eight, the transition com-

1 mission shall prepare and submit to the central board, a proposed  
2 plan for the composition and method of selection of community  
3 boards of education. Such plan shall be uniform in application  
4 throughout the city and shall provide for the selection of a com-  
5 munity board of education for each community district.

6 2. Such plan shall be formulated so as to comply with the require-  
7 ments of subdivision three of this section and so as to provide fair  
8 and equitable procedures for selecting for each community district  
9 a community board suitably adapted for effective representation  
10 of parents and non-parents of the district in the conduct of its  
11 educational affairs.

12 3. Any such plan shall contain the following provisions:

13 (a) Each community board shall consist of eleven members  
14 having terms of office prescribed in the plan, which shall provide  
15 for staggering of future appointments.

16 (b) The parents of children attending each school operated by  
17 a community board shall elect delegates who shall be members of a  
18 district assembly, consisting of all delegates elected with respect to  
19 all such schools in the district. The plan shall provide for the  
20 method of determining the number of delegates representing each  
21 school in the district assembly. The plan shall prescribe the proce-  
22 dures for the election of delegate members of the district assembly  
23 by parents and the terms of office of such delegates.

24 (c) The district assembly shall elect six members of the com-  
25 munity board.

26 (d) Five members of the community board shall be appointed  
27 by the mayor from a panel of names designated and maintained by  
28 the central board in a manner to be stated in the plan.

1 (e) The plan may permit the community board to appoint non-  
2 voting members in order to achieve additional breadth of repre-  
3 sentation or additional expertise.

4 (f) A vacancy in any community board membership shall be  
5 filled in accordance with the method of appointment herein pre-  
6 scribed for the original appointment with respect to such mem-  
7 bership.

8 4. Not later than October first, nineteen hundred sixty-eight, the  
9 central board shall approve or disapprove such plan. If such  
10 board shall approve such plan, it shall take effect upon such  
11 approval.

12 5. If the central board shall disapprove such plan, such board  
13 shall, not later than such October first, submit such plan to the  
14 commissioner of education for determination of the dispute. In  
15 ruling on such issue, the commissioner shall comply with the  
16 standards and requirements set forth in subdivisions two and three  
17 of this section. Not later than November first, nineteen hundred  
18 sixty-eight, the commissioner shall render his determination pre-  
19 scribing the final contents of such plan and making same effective.

20 6. The plan becoming effective pursuant to the foregoing pro-  
21 visions of this section shall govern the composition and method  
22 of selection of members of community boards, except as otherwise  
23 provided in subdivision eight of this section.

24 7. Not later than April first, nineteen hundred sixty-nine, a  
25 community board shall be established for each community district  
26 pursuant to the foregoing provisions of this section.

1 8. Notwithstanding the foregoing provisions of this section,  
2 the city may, at any time after March thirty-first, nineteen hundred  
3 seventy-two, adopt and amend local laws prescribing other methods  
4 of selecting members of a community board; provided that any  
5 method so prescribed shall be uniform with respect to all com-  
6 munity boards.

7 9. No person may serve as a member of a community board  
8 unless he is a resident of the community district, or the parent of  
9 a child attending a public school operated by such board within  
10 the district, or a person holding a pedagogical position in such a  
11 public school within the district. Notwithstanding any other pro-  
12 vision of law to the contrary, a person holding such a pedagogical  
13 position may accept designation and serve as such member without  
14 thereby forfeiting such position or any other position of public  
15 employment lawfully held by such person. No person may simul-  
16 taneously serve as a member of more than one community board.

17 10. The annual meeting of each community board shall be held  
18 on a date designated by such board, at which time the board shall  
19 designate one of its members to be chairman of the board for the  
20 ensuing year.

21 11. Meetings of community boards shall be held at least once  
22 each month.

23 12. Each member of a community board shall be entitled to  
24 receive compensation of ten dollars for each meeting of such board  
25 attended by such member; provided that such compensation shall  
26 not be paid for attendance at meetings in excess of twenty-five per  
27 year.



1    § 2590-f. Powers and duties of community boards. 1. Subject  
2 to the provisions of this chapter, each community board shall have,  
3 in addition to any other duties imposed by this chapter, the duties  
4 set forth in this subdivision one, as follows:

5    (a) To perform, in relation to the schools, facilities and matters  
6 under its jurisdiction, any duty imposed upon boards of education  
7 or trustees of common schools under this chapter or other statutes  
8 or the rules of the regents and regulations of the commissioner of  
9 education, so far as they may be applicable to the school or other  
10 educational affairs of a city and not inconsistent with the provi-  
11 sions of this article and chapter twenty of the city charter;

12    (b) To have the care, custody, control and safekeeping of all  
13 school property within the community district or other property  
14 of the city within the district which is used for educational, social  
15 or recreational purposes and is not specifically placed by law under  
16 the control of some other body or office; and to prescribe rules and  
17 regulations for the preservation of such property.

18    (c) To establish and maintain such free elementary schools,  
19 intermediate schools, kindergartens, nursery schools, and, subject  
20 to the provisions of section forty-six hundred five of this chapter,  
21 schools for adults as it shall deem necessary to meet the needs and  
22 demands of the district;

23    (d) To purchase and furnish such personal property, including  
24 textbooks, as may be necessary for the proper and efficient manage-  
25 ment of the schools and other educational, social and recreational  
26 activities and interests under its management and control and to  
27 provide such property as the community board may deem appro-

1 p<sup>r</sup>iate to all the children attending the schools under the control of  
2 such board;

3 (e) To authorize the general courses of study which shall be  
4 given in the schools; provided, however, that such courses shall  
5 comply with standards established by statute and by the com-  
6 missioner of education and rules of the regents;

7 (f) To authorize and determine the textbooks to be used in  
8 the schools under its jurisdiction;

9 (g) To retain a community superintendent as provided in section  
10 twenty-five hundred ninety-j of this chapter;

11 (h) To maintain such records and make such reports as shall  
12 be determined to be appropriate by the central board or by the  
13 commissioner of education; and

14 (i) To develop and submit to the central board, at such times  
15 and in such manner as shall be prescribed by regulations issued by  
16 the central board, plans to improve the educational program of the  
17 district so that, to the maximum extent feasible, every student  
18 attending schools operated by the community board receives the  
19 education needed for successful entry into higher levels of educa-  
20 tion and ultimately into gainful employment.

21 2. Subject to the provisions of this chapter, each community  
22 board shall have, in addition to any other powers conferred by  
23 this chapter, the powers set forth in this subdivision two, as follows:

24 (a) To create, abolish, maintain and consolidate such positions  
25 or divisions as, in its judgment, may be necessary for the proper  
26 and efficient administration of its work;

1     (b) Subject to the provisions of section twenty-five hundred  
2     ninety-l of this chapter, to appoint, on the recommendation of the  
3     community superintendent, such supervisory, administrative, teach-  
4     ing, and other personnel as it shall determine to be necessary for  
5     the efficient management or direction of the schools and other  
6     educational, social, recreational and business activities; to deter-  
7     mine their duties, except as otherwise provided herein; to conduct  
8     examinations and inquiries into merit and fitness, pursuant to the  
9     provisions of such section, for the purpose of making such appoint-  
10    ments;

11    (c) To lease property required for the purpose of furnishing  
12    school accommodations and to prepare and execute leases therefor;

13    (d) To prescribe such regulations and by-laws as may be neces-  
14    sary to make effectual the provisions of this chapter applicable to  
15    a community board and for the conduct of the proceedings of such  
16    board and the transaction of its business affairs, for the general  
17    management, operation, control, maintenance and discipline of  
18    the schools under its jurisdiction, and of all other educational, social  
19    or recreational activities and other interests under its charge or  
20    direction;

21    (e) To delegate to the community superintendent or other super-  
22    visory personnel in the community district or to the central board  
23    or the city superintendent, such of the powers and duties of the  
24    community board as it deems appropriate (1) to make effectual the  
25    provision of this chapter applicable to a community board and  
26    (2) for the general management, operation, control, maintenance  
27    and discipline of schools under the jurisdiction of the community

1 board, and of all other educational, social or recreational activities  
 2 and other interests under its charge or direction; and the persons  
 3 to whom such powers are delegated shall exercise such delegated  
 4 powers in the same manner and with the same force and effect as  
 5 if such powers were given to such delegees under the provisions of  
 6 this chapter;

7 (f) Subject to the provisions of subdivision four of section  
 8 twenty-five hundred ninety-q of this chapter, to contract with  
 9 persons, institutions, domestic and foreign governments and agen-  
 10 cies thereof, including the city, state and federal governments and  
 11 their agencies, to further educational purposes within the district;

12 (g) To cooperate with other community boards and the central  
 13 board and to carry out programs to implement such cooperation;  
 14 and

15 (h) To maintain, within the district, playgrounds, recreation  
 16 centers, social centers, reading rooms and libraries from such funds  
 17 as this chapter or other statutes authorize and the state appro-  
 18 priates for such purposes, and from such other funds as may be  
 19 provided therefor.

20 3. (a) Each community board shall have power, in its discretion,  
 21 to conduct and maintain such extra classroom activities, including  
 22 the operation of cafeterias or restaurant service for pupils and  
 23 teachers, as such board, from time to time, shall deem proper.

24 (b) Each community board which engages in such activities shall  
 25 make rules and regulations for the conduct, operation and main-  
 26 tenance of such activities and for the safeguarding, accounting  
 27 and audit of all moneys received and derived therefrom. In the

1 case of any extra classroom activity as it shall deem proper, and  
 2 notwithstanding the provisions of section twenty-five hundred  
 3 ninety-t of this chapter, it may direct that the moneys received  
 4 or derived from the conduct, operation or maintenance of such an  
 5 activity be deposited with the auditor of the board or officer thereof  
 6 performing like functions in its behalf who in such event shall be  
 7 the treasurer of such activity, the moneys of which are required to  
 8 be so deposited. In the procurement of articles and services for  
 9 the conduct, operation and maintenance of a cafeteria or restaurant  
 10 service, the community board shall be subject to the provisions of  
 11 section twenty-five hundred ninety-o of this chapter, except that  
 12 the board need not have duly advertised for estimates in order to  
 13 contract for such articles or services in an amount not exceeding  
 14 one thousand dollars. The community board shall also have power  
 15 to assign any of its officers or employees to perform such duties  
 16 as it may prescribe in connection with an extra classroom activity  
 17 and to designate the officers and employees so assigned from whom  
 18 a bond shall be required for faithful performance of their duties  
 19 and to fix the sum in which each such bond shall be given.

20 (c) For the purposes of this subdivision three, a general orga-  
 21 nization of students of a school conducted under the rules and  
 22 regulations of the community board or with its approval, and  
 23 engaged in extra classroom activities other than the operation of a  
 24 cafeteria or restaurant service shall be known as a student orga-  
 25 nization. Unless such student organization is required by the  
 26 community board to deposit with its auditor or other officer per-  
 27 forming like functions the moneys received or derived from car-



1 rying on such activity, such moneys shall be subject to the use  
2 and disposition of such student organization under the rules and  
3 regulations prescribed by the board.

4 4. Each community board shall perform such other duties and  
5 possess such other powers as may be necessary or proper for the  
6 conduct of the affairs placed under its management and control,  
7 to execute all powers vested in it, and to promote the best interests  
8 of the schools and other activities committed to its care.

9 5. No community board shall have power to engage in collective  
10 bargaining or negotiate with any organization representing any of  
11 its employees, or to enter into collective bargaining agreements  
12 with any such organization. All collective bargaining functions  
13 affecting community boards shall be performed by the central  
14 board, as provided in paragraph e of subdivision two of section  
15 twenty-five hundred ninety-h of this chapter.

16 6. (a) Any community board may submit to the central board  
17 a proposed plan for operation in whole or in part of any school or  
18 schools or other facilities under the jurisdiction of the community  
19 board by any public entity or private, non-profit corporation or  
20 institution.

21 (b) Any such plan providing for operation by a public entity  
22 shall specify the functions, powers and duties of the community  
23 board which the public entity is to perform or exercise. Any such  
24 plan providing for operation by any such private corporation or  
25 institution shall include a proposed contract prescribing the func-  
26 tions, powers and duties of such corporation or institution in  
27 operating or participating in the operation of such school, schools

1 or other facilities. All plans shall contain appropriate provisions  
2 for maintenance of applicable educational standards.

3 (c) Any such plan providing for delegation of powers or duties  
4 to a public entity may provide that such powers or duties shall be  
5 exercised or performed by one or more officers or employees  
6 appointed by the community board from a panel of nominees  
7 designated by one or more parent or parent-teacher organizations  
8 or civic or other organizations which are actively engaged in  
9 furthering education or civic betterment in the community served  
10 by the school, schools or facilities affected by such plan. The plan  
11 shall provide fair and equitable procedures for the designation of  
12 such nominees by the participating organization or organizations,  
13 on the basis of organization membership residing in such com-  
14 munity.

15 (d) Upon approval by the central board of any such plan for  
16 operation by a public entity, the community board may delegate  
17 to such entity the functions, powers and duties mentioned in the  
18 plan. Upon approval by the central board of any such plan for  
19 operation by any such private, non-profit corporation or institu-  
20 tion, the community board and the private corporation or insti-  
21 tution may enter into the contract embodied in such plan.

22 (e) An approved plan may from time to time be amended by  
23 the community board, with the approval of the central board;  
24 provided, however, that where a contract has been entered into  
25 under a plan, any change or modification in such contract pur-  
26 suant to a plan amendment shall be subject to the consent of the  
27 party contracting with the community board.

1    § 2590-g. Central board of education. 1. (a) Subject to the  
2    succeeding provisions of this section, members of the board of edu-  
3    cation of the city on the effective date of this section and any mem-  
4    bers appointed to fill vacancies in such offices occurring for reasons  
5    other than expiration of term, shall continue to serve until the  
6    expiration of their respective terms of office.

7    (b) The five memberships becoming vacant through expiration  
8    of term in nineteen hundred sixty-nine, nineteen hundred seventy  
9    and nineteen hundred seventy-one shall not be filled and shall  
10   terminate upon the respective dates of expiration of such terms;  
11   provided that if a vacancy in any such membership shall occur,  
12   after the effective date of this section, otherwise than through  
13   expiration of term, the mayor may, in his discretion, fill such  
14   vacancy for the balance of the unexpired term in accordance with  
15   the procedure set forth in subdivision four of this section.

16   2. Vacancies in the remaining four memberships of the board of  
17   education as constituted immediately prior to the effective date of  
18   this section, whether occurring by expiration of term or otherwise,  
19   shall be filled by the mayor pursuant to subdivision four of this  
20   section.

21   3. (a) During December, nineteen hundred sixty-nine, an assem-  
22   bly composed of all chairmen of the community boards shall meet  
23   and shall submit to the mayor the names of fifteen nominees for  
24   central board membership. After receiving such nominations,  
25   the mayor, on or before the next succeeding first Monday in Febru-  
26   ary, shall appoint as members of the central board five persons  
27   chosen by him from such list of nominees.

1 (b) *At least twenty-five days prior to the expiration of the term*  
 2 *of any of the five offices of member provided for in this subdivision*  
 3 *three or within ten days after the occurrence of a vacancy in any*  
 4 *such office otherwise than by expiration of terms, the assembly of*  
 5 *chairmen shall meet and submit to the mayor a list of from three to*  
 6 *five nominees for each vacancy. Within ten days after submission of*  
 7 *such list with respect to any vacancy, the mayor shall appoint one*  
 8 *of the nominees on such list to fill such vacancy.*

9 4. (a) *Appointments by the mayor under subdivision two of this*  
 10 *section shall be made, as hereinafter provided in this subdivision*  
 11 *four, from lists of nominees submitted by a commission on appoint-*  
 12 *ments, which shall consist of the following persons:*

- 13 (1) *the president of Columbia University;*
- 14 (2) *the chancellor of the City University of New York;*
- 15 (3) *the president of New York University;*
- 16 (4) *the president of the Association of the Bar of the City*  
 17 *of New York;*
- 18 (5) *the president of the New York City Central Trades and*  
 19 *Labor Council;*
- 20 (6) *the president of Commerce and Industry Association of*  
 21 *New York, Inc.;*
- 22 (7) *the president of the Public Education Association;*
- 23 (8) *the president of the United Parents Association of New*  
 24 *York City, Inc.;*
- 25 (9) *the president of the League of Women Voters of the City*  
 26 *of New York;*
- 27 (10) *the president of the Citizens Union;*

1       (11) the president of the Citizens Budget Commission, Inc.;

2                   and

3       (12) if the mayor shall so elect, not more than four additional  
4           officers of other organizations or institutions, such  
5           officers to be designated by the mayor with due con-  
6           sideration of the need to reflect the diversity of views  
7           and backgrounds of the people of the city.

8       (b) At least twenty-five days prior to the expiration of the term  
9       of office of any member whose successor is to be appointed pursuant  
10      to this subdivision, or within ten days after the occurrence of a  
11      vacancy in any such membership, the mayor shall request the  
12      members of the commission on appointments to convene for the  
13      purpose of making nominations. A quorum at any session of such  
14      members shall consist of at least two-thirds of the total number of  
15      members of the commission.

16      (c) The president of the Association of the Bar of the City of  
17      New York shall be the chairman of the commission and shall,  
18      forthwith upon receiving the request of the mayor, give notice to  
19      the other members of the time and place of convening. In the event  
20      that the president of such Association shall be unable to act, the  
21      mayor shall designate one of the other members to convene the  
22      commission and to be its chairman.

23      (d) The commission shall receive and take into consideration in  
24      making its nominations, recommendations from representative  
25      associations and civic, educational, business, labor and professional  
26      groups active or interested in the field of education.



1 (e) Within fifteen days after the mayor shall have requested a  
2 convening of the commission, it shall nominate to the mayor for each  
3 vacancy, three to five persons who, in its judgment, are persons  
4 of outstanding experience, competence and qualification for service  
5 on the central board. Within ten days after receiving such nom-  
6 inations, the mayor shall appoint from among the nominees, one  
7 person to fill each vacancy.

8 5. If the assembly of chairmen or the commission on appointments  
9 shall fail to submit its nominations within the applicable period  
10 therefore prescribed by subdivision three or four of this section,  
11 the mayor may fill a vacancy without regard to the provisions of  
12 such subdivisions.

13 6. (a) Up to and including June thirtieth, nineteen hundred  
14 seventy, the board as it may be constituted from time to time pur-  
15 suant to the preceding provisions of this section shall be deemed to  
16 be the board of education and shall be continued as a body corporate  
17 for the purposes of all provisions of law, in effect on and prior  
18 to such date, applicable (i) to the board of education and its  
19 powers, functions and duties and (ii) to the operation and admin-  
20 istration of the school system of the city.

21 (b) On and after the effective date of this section, the board as  
22 it may from time to time be constituted pursuant to the preceding  
23 subdivisions of this section shall also be the central board and shall  
24 be vested with the powers, functions and duties of the central board  
25 under this article; provided, however, that prior to July first, nine-  
26 teen hundred seventy, the central board shall not perform the  
27 duties specified in paragraphs a, c, e, f, h, j, k, l, m and o of

1 subdivision one of section twenty-five hundred ninety-h of this  
2 chapter or exercise any power specified in paragraphs c, h, i, m, n  
3 and o of subdivision two of such section or in subdivision three of  
4 such section.

5 (c) On July first, nineteen hundred seventy, the board of educa-  
6 tion and the existence of such board as a corporate body shall  
7 terminate, subject to the provisions of sections twenty-five hundred  
8 ninety-gg and twenty-five hundred ninety-hh of this chapter. The  
9 board, as then and thereafter constituted pursuant to the preceding  
10 subdivisions of this section, shall be the central board only. All  
11 offices and positions under the board of education are hereby  
12 abolished as of July first, nineteen hundred seventy.

13 7. Except in the case of members appointed for the balance of an  
14 unexpired term pursuant to paragraph b of subdivision one and  
15 subdivision four of this section, the terms of office of board mem-  
16 bers appointed pursuant to subdivisions two, three, four and five  
17 of this section shall be four years; provided, however, that the  
18 mayor, in order to achieve staggered terms, may establish a shorter  
19 term for any board membership required to be filled pursuant to  
20 subdivision three of this section. Vacancies in any board mem-  
21 bership required to be filled pursuant to subdivisions two, three,  
22 four and five of this section, where occurring otherwise than through  
23 expiration of term, shall be filled for the balance of the unexpired  
24 term.

25 8. After June thirtieth, nineteen hundred seventy, the annual  
26 meeting of the central board shall be held on a date designated

1 by the board, at which time it shall designate one of its members  
 2 to be president of the board for the ensuing year.

3 9. No person may serve both as a member of a community board  
 4 and as a member of the board of education or the central board.

5 § 2590-h. Powers and duties of central board. 1. Subject to the  
 6 provisions of this chapter, the central board shall have, in addition  
 7 to any other duties imposed by this chapter, the duties set forth  
 8 in this subdivision one, as follows:

9 (a) To perform, in relation to the schools and other facilities  
 10 which it operates and matters within its jurisdiction, any duty  
 11 imposed on boards of education or trustees of common schools under  
 12 this chapter or other statutes or the rules of the regents and  
 13 regulations of the commissioner of education, so far as they may  
 14 be applicable to the school or other educational affairs of a city  
 15 and not inconsistent with the provisions of this article and chapter  
 16 twenty of the city charter;

17 (b) To conduct research, by contract or otherwise, concerning  
 18 educational problems and solutions; to engage in long-term planning  
 19 on the basis of such research and analysis; to conduct curriculum  
 20 research and keep the community boards informed concerning such  
 21 research; to maintain a continuous review of the curricula of  
 22 community boards and make recommendations to such boards for  
 23 curriculum improvements;

24 (c) To establish and maintain, in the city school district of the  
 25 city, such high schools as the central board deems necessary to  
 26 meet the needs of the city and such other schools as in the judgment  
 27 of the central board are necessary to provide for needs of the city

1 which cannot be met by the community boards; to perform the  
2 duties prescribed for the board of education of a school district by  
3 or under article eighty-nine of this chapter, in the same manner and  
4 to the same extent as if the central board were the board of educa-  
5 tion of the city school district of the city;

6 (d) To appoint a city superintendent of schools, pursuant to  
7 section twenty-five hundred ninety-k of this chapter;

8 (e) To perform, with respect to schools and other facilities which  
9 it operates, the duties imposed by this article upon community  
10 boards with respect to the schools and other facilities under their  
11 jurisdiction;

12 (f) To prepare annually a plan for improving the educational  
13 effectiveness of the schools which it operates;

14 (g) To maintain recruitment programs for school personnel as  
15 described in subdivision eight of section twenty-five hundred ninety-l  
16 of this chapter, and to assist in the placement of new teachers and,  
17 subject to the provisions of subdivision nine of such section twenty-  
18 five hundred ninety-l, the transfer of teachers from one community  
19 district to another;

20 (h) To maintain in the city, through such representatives as it  
21 may designate, an effective visitation and inspection of all schools  
22 and classes maintained in institutions controlled by the department  
23 of correction of the city;

24 (i) To establish reporting procedures and requirements both for  
25 schools under its direct control and those under the control of the  
26 community boards; to maintain the necessary personnel and equip-  
27 ment for collecting and processing information reported and all

1 information relating to school system activities, including budget  
2 preparation, performance analysis and research; reports and data  
3 furnished or prepared pursuant to this subdivision shall be pre-  
4 served as property of the central board and, except for matter con-  
5 taining confidential information concerning individual pupils or  
6 their families, shall at all times be open to public inspection;

7 (j) To review the education provided in and administration of  
8 all schools under its direct control and those under the control of  
9 the community boards; to inform community boards of the results  
10 of such review; to report to the commissioner of education the  
11 results of such review and to recommend appropriate remedial  
12 action in case of violation of state educational standards;

13 (k) To provide, outside the territorial limits of the city but within  
14 the state or within an adjoining state, for the education of children  
15 resident within the city whenever in its judgment, approved by  
16 the commissioner of education, the health, education or welfare  
17 of such children makes such provision necessary or desirable; the  
18 average daily attendance of such pupils shall be included in the  
19 average daily attendance of the district within the city in which  
20 such children reside, as certified by the central board to the  
21 commissioner;

22 (l) To provide for the loan of textbooks as required by law to  
23 students in other than public schools; the textbooks thus loaned  
24 shall be selected from those approved by community boards or the  
25 central board for use in schools within their respective jurisdictions;

26 (m) To require community boards, at such intervals as the central  
27 board shall deem appropriate, to test the skill levels of pupils attend-



1 ing schools under their jurisdiction through use of tests prescribed  
 2 by the central board; to report the results of such tests to the com-  
 3 missioner of education and the central board; and to make such  
 4 reports available for inspection by the public;

5 (n) To prescribe minimum standards for the maintenance of  
 6 buildings and physical facilities under its jurisdiction and the juris-  
 7 diction of the community boards and to require community boards  
 8 to adhere to such standards;

9 (o) To encourage interdistrict cooperative arrangements among  
 10 community boards, to encourage experimentation and innovation by  
 11 community boards and to encourage racial integration; and to use  
 12 the quality incentive fund for such purposes, as provided in section  
 13 twenty-five hundred ninety-p of this chapter; and

14 (p) To evaluate the educational programs, including the achieve-  
 15 ment of students and the quality of teaching, of the schools under  
 16 its control and those under the control of the community boards;  
 17 to require of such schools the data necessary for such evaluation;  
 18 to prepare and transmit to community boards and to make available  
 19 for public inspection, reports showing the results of such evaluation;  
 20 to provide public access to all information used in such evaluations,  
 21 except such data and reports as contain confidential information  
 22 concerning individual pupils or their families.

23 2. Subject to the provisions of this chapter, the central board  
 24 shall have, in addition to any other powers conferred by this chapter,  
 25 the powers set forth in this subdivision two, as follows:

26 (a) To create, abolish, maintain and consolidate such positions,  
 27 divisions, boards and bureaus as, in its judgment, may be necessary  
 28 for the proper and efficient administration of its work;

1 (b) To appoint on the recommendation of the city superintendent,  
2 such supervisory, administrative, teaching and other personnel as  
3 it deems necessary for the proper and efficient administration of its  
4 work, subject to the provisions of section twenty-five hundred  
5 ninety-l of this chapter; to conduct examinations and inquiries into  
6 merit and fitness, pursuant to such provisions, for the purpose of  
7 making such appointments;

8 (c) To have, with respect to the schools and facilities which it  
9 operates, all of the powers vested in community boards, under  
10 section twenty-five hundred ninety-f of this chapter, with respect  
11 to schools and facilities which they operate;

12 (d) To maintain legal services, public information services, neces-  
13 sary civil defense arrangements and other functions applicable  
14 citywide and not specifically vested in the community boards under  
15 this chapter; provided, however, that nothing contained in this  
16 paragraph (d) shall affect or impair the functions, powers and  
17 duties of the corporation counsel of the city, under the provisions  
18 of the city charter and other laws, as attorney and counsel for the  
19 central board and each community board, having charge and con-  
20 duct of all of their law business.

21 (e) To act exclusively for itself and all community boards in col-  
22 lective bargaining with all organizations representing personnel  
23 employed by the central board and community boards, and to have  
24 exclusive power to enter into collective bargaining agreements relat-  
25 ing to such personnel;

26 (f) To establish citywide salary schedules for personnel em-  
27 ployed by the central board and community boards, and citywide  
28 conditions of employment for such personnel;

1 (g) To compensate, in its discretion, teachers and other employees  
2 in the school system who are not covered by the workmen's com-  
3 pensation law, for loss of personal property and for medical and  
4 hospital expenses arising from injuries incurred in actual per-  
5 formance of duty;

6 (h) To exercise any power granted to a board of education of a  
7 school district by or under article eighty-nine of this chapter in  
8 the same manner and to the same extent as if the central board  
9 were the board of education of the city school district of the city;

10 (i) To provide by contract for the transportation of children to  
11 and from any school or institution of learning whenever in its  
12 judgment such transportation is required because of the remoteness  
13 of the school from the pupil or for the promotion of the best  
14 interests of such children; any such contract may be made for a  
15 period not exceeding five years, notwithstanding any provision of  
16 the city charter to the contrary or other provision of law inconsistent  
17 herewith;

18 (j) To prescribe such regulations and by-laws as may be necessary  
19 to make effectual the provisions of this chapter and for the conduct  
20 of the proceedings of the central board, for the transaction of its  
21 business affairs, for the general management, operation, control,  
22 maintenance and discipline of the schools, and for all other educa-  
23 tional, social or recreational activities and other interests under  
24 its charge or direction;

25 (k) To delegate such of its powers and duties as it deems appro-  
26 priate to make effectual the provisions of this chapter and for the  
27 general management, operation and control, maintenance and dis-

1 *cipline of schools and other activities under its charge or direction,*  
2 *to the city superintendent, community boards, or to other super-*  
3 *visory personnel of the central board or a community board, and*  
4 *such delegees shall exercise such delegated powers in the same*  
5 *manner and with the same force and effect as if such powers were*  
6 *given to such delegees under the provisions of this chapter;*

7 *(l) To perform such functions as may be delegated to it by*  
8 *community boards or the commissioner of education;*

9 *(m) To sell such manufactured articles and other products pro-*  
10 *duced in any school as may not be utilized by the central board or*  
11 *any community board; the proceeds of such sales shall be paid*  
12 *into the city treasury and credited to the general funds of the*  
13 *central board;*

14 *(n) To dispose of personal property, including textbooks, used*  
15 *in schools and other facilities operated by the central board or any*  
16 *community board, when such property is no longer required for*  
17 *such use; provided that where such property is used in schools or*  
18 *other facilities operated by a community board, disposition thereof*  
19 *shall not be made by the central board unless such community*  
20 *board agrees thereto; such disposition shall be made in the name*  
21 *of and for the city; all money realized from sales hereunder shall*  
22 *be paid into the city treasury and credited to the general funds*  
23 *of the central board; and*

24 *(o) To acquire real property and purchase or construct improve-*  
25 *ments on purchased or leased property as prescribed by section*  
26 *twenty-five hundred ninety-n of this chapter;*

1     3. To assure maximum utilization of school facilities and minimum  
2 racial segregation in such facilities, the central board may reassign  
3 pupils, irrespective of district boundaries.

4     4. (a) In any case where any act or omission or proposed act  
5 or omission of a community board:

6       (1) shall in the judgment of the central board,

7           (i) Seriously threaten the educational welfare of the com-  
8 munity district, or

9           (ii) constitute a gross abuse of the powers of the community  
10 board; or

11       (2) is illegal, fraudulent or in bad faith; or

12       (3) violates or would violate state educational standards; the  
13 central board may order such community board to desist from  
14 action or to take action in such manner and on such terms and  
15 conditions as the central board shall deem necessary to correct such  
16 situation.

17       (b) If a community board shall refuse or fail to comply with such  
18 an order, the central board may assume and exercise or perform all  
19 of the functions, powers and duties of the community board neces-  
20 sary to effectuate the order of the central board. Such refusal or  
21 failure shall constitute grounds for removal of any member of a  
22 community board who shall participate in a refusal or fail to take  
23 all reasonable steps in his power to comply with such an order.

24       (c) Any order issued under this subdivision four may be appealed  
25 to the commissioner of education by a community board as provided  
26 in section twenty-five hundred ninety-ee of this chapter.



1    § 2590-i. Insurance benefits for employees; credit union deduc-  
 2    tions. 1. Subject to the provisions of subdivision two of this section,  
 3    the central board or any community board may, in its discretion,  
 4    provide under a group insurance policy or policies issued by any  
 5    insurance company or insurance companies authorized to do business  
 6    in this state or under a group contract issued by one or more  
 7    corporations subject to article nine-c of the insurance law, life  
 8    insurance or accident and health insurance benefits or medical and  
 9    surgical benefits or hospital service benefits or any two or more of  
 10   such kinds of benefits to teachers and other persons employed by  
 11   such board who participate in a plan or plans, as hereinafter pro-  
 12   vided. The disbursing officer of such board is authorized to deduct  
 13   from the salary of such participant with his prior consent, in writ-  
 14   ing, the sums representing the participant's share of the premium  
 15   or premiums which are payable by such officer to such insurance  
 16   company or corporation. Such board is authorized to pay from  
 17   such moneys as are available for the purpose, a share of the cost of  
 18   such benefit or benefits in such amount as is required to be paid  
 19   under such group insurance policy or policies or group contract or  
 20   contracts by the board, as employer. The sum to be paid by the  
 21   board under such policy or policies or contract or contracts, in  
 22   the discretion of such board, may be any percentage of the total  
 23   cost of the benefit or benefits, including the whole thereof.  
 24   2. (a) Where any such benefits are provided for in a collective  
 25   bargaining agreement made by the central board, it shall have power  
 26   to effectuate a plan for such benefits, as provided in subdivision one  
 27   of this section, applicable to the persons eligible therefore under

1 such agreement, whether employed by the central board or com-  
2 munity boards.

3 (b) For such purpose, the central board may obtain group  
4 insurance policies or group contracts, require deductions, if any,  
5 from salary with the participant's consent in writing, and require  
6 community boards to pay to the central board their proportionate  
7 share of the employer cost of such benefits. For the purposes of  
8 determining compliance with the requirements of the insurance law  
9 as to the issuance of such group policies or group contracts, com-  
10 munity boards shall be deemed to be agencies of the central board.

11 3. In cases where the provisions of paragraph a of subdivision  
12 two of this section are not applicable, the central board and one  
13 or more community boards may by agreement jointly effectuate  
14 a plan for benefits, as provided in subdivision one of this section.  
15 The provisions of paragraph b of subdivision two of this section  
16 shall apply in the carrying out of any such agreement, provided  
17 that the sharing of costs shall be as agreed upon by the participating  
18 boards.

19 4. The central board and any community board may, in its dis-  
20 cretion, and with the written consent of any employee of such  
21 board, deduct from the salary of such employee such amount as  
22 may be agreed to by such employee for payment to any credit union  
23 doing business in the state of New York which such employee may  
24 designate. Any such written authorization may be withdrawn  
25 by such employee at any time.

26 § 2590-j. Community superintendents of schools. 1. (a) Each  
27 community board shall retain a community superintendent of  
28 schools by contract for a term specified in such contract.

1 (b) He shall have power and it shall be his duty, in conformity  
2 with policies determined by the community board:

3 (1) to administer, manage and direct the operation of all schools  
4 in the community district under the jurisdiction of such board  
5 and all other educational, social and recreational activities and other  
6 interests under such jurisdiction; and

7 (2) subject to the provisions of this article, to direct, supervise  
8 and prescribe the duties and assignments of all personnel employed  
9 by such board.

10 2. No person shall be designated as a community superintendent,  
11 unless he possesses or is entitled to a superintendent's certificate  
12 under section three thousand three of this chapter.

13 3. Each community superintendent shall advise his community  
14 board on appropriate policies and the community board shall seek  
15 his advice before taking action on any proposal.

16 4. All community superintendents shall convene at least four  
17 times each year under the chairmanship of the city superintendent  
18 for discussion of the administration of the schools.

19 § 2590-k. City superintendent of schools. The city superin-  
20 tendent shall be appointed by the central board for a term of five  
21 years, subject to removal by such board for cause, after a hearing.  
22 No person shall be appointed to such position unless he possesses  
23 or is entitled to a superintendent's certificate under section three  
24 thousand three of this chapter.

25 2. The city superintendent shall have power and it shall be his  
26 duty, in conformity with policies determined by the central board:

27 (a) to administer, manage and direct the operation of all schools

1 established and maintained by such board pursuant to section  
2 twenty-five hundred ninety-h of this chapter; and

3 (b) subject to the provisions of this article, to direct, supervise  
4 and prescribe the duties and assignments of all personnel employed  
5 in such schools.

6 3. He shall have such further powers as may be delegated to  
7 him by the central board or by community boards. He shall be  
8 responsible to the delegating authority for the exercise of such  
9 powers.

10 4. In addition to the powers vested in him under subdivisions  
11 two and three of this section, the city superintendent shall have  
12 power, unless such authority is removed or modified by the action  
13 of the central board:

14 (a) to select a headquarters staff;

15 (b) to collect attendance data;

16 (c) to provide purchasing, warehousing, transportation and  
17 other services requested by the central board or by community  
18 boards;

19 (d) to provide technical advisory services requested by com-  
20 munity boards.

21 5. He shall take appropriate steps to maximize cooperation  
22 between the school system and other public and private agencies.

23 § 2590-l. Personnel administration. 1. (a) Appointments and  
24 promotions by the central board and by the community boards to  
25 pedagogical positions shall be made according to merit and fitness  
26 to be ascertained, so far as practicable, by examination which, so  
27 far as practicable, shall be competitive.

1 (b) Appointing and promoting authorities shall maintain records  
2 of all personnel action. The form of examination or inquiry into  
3 merit and fitness employed shall be reasonably related to the  
4 ascertainment of qualification for appointment. Appointing au-  
5 thorities shall take reasonable steps to publicize proposed recruit-  
6 ment for positions.

7 2. No person shall be appointed by the central board or any com-  
8 munity board to a pedagogical position, other than city superin-  
9 tendent or community superintendent, unless such person has passed  
10 a qualifying examination conducted by the central board or desig-  
11 nated by it as suitable for such purpose. Such examination shall  
12 be in addition to any other examination which the provisions of  
13 this section require with respect to the making of appointments  
14 to pedagogical positions. No person shall be appointed to a peda-  
15 gogical position by any such board unless he has the qualifications  
16 prescribed for such position by or under the provisions of article  
17 sixty-one of this chapter; provided, however, that the appointing  
18 board may prescribe additional or higher qualifications and the  
19 commissioner of education may, on request of the central board or  
20 any community board, establish alternative state standards of  
21 eligibility for teachers and authorize any such board to certify  
22 compliance therewith.

23 3. Appointments by the central board to all positions, whether  
24 pedagogical or non-pedagogical, shall be made on the recommenda-  
25 tion of the city superintendent. Appointments by a community  
26 board to all such positions shall be made on the recommendation  
27 of its community superintendent.



1 4. (a) All persons appointed to pedagogical positions, other than  
2 city superintendent and community superintendent, shall serve a  
3 probationary period of not less than one year and not to exceed  
4 three years, such period to be fixed by the appointing authority;  
5 provided, however, that a teacher who has rendered satisfactory  
6 service as a regular substitute for a period of two years or as a  
7 seasonally licensed per session teacher of swimming in day schools,  
8 who has served in that capacity for a period of two years and has  
9 been appointed to teach the same subject in day schools on an  
10 annual salary, shall serve a probationary period of one year.

11 (b) The service of a person appointed to any pedagogical position  
12 may be discontinued at any time during such probationary period  
13 by the appointing authority. Each person who is not to be recom-  
14 mended for appointment to a pedagogical position on tenure shall  
15 be so notified by the appointing authority in writing not later than  
16 sixty days immediately preceding the expiration of his probationary  
17 period.

18 5. Except as otherwise provided in subdivision seven of this  
19 section:

20 (a) tenure in any position, pedagogical or non-pedagogical, with  
21 a community board shall not be attained except upon the recom-  
22 mendation of the community superintendent; and

23 (b) tenure with the central board in any such position shall not  
24 be attained except upon the recommendation of the city superin-  
25 tendent.

26 6. Appointments and promotions by the central board and com-  
27 munity boards to non-pedagogical positions shall be made for a

1 probationary period as provided in the civil service law and rules.  
2 The city civil service commission and the department of personnel  
3 of the city shall have jurisdiction to administer such law with  
4 respect to such positions in the same manner and to the same extent  
5 as in the case of positions in the classified service of the city; pro-  
6 vided, however, that removal from such positions, if tenured, shall  
7 be governed by the provisions of section twenty-five hundred  
8 ninety-m of this chapter. Service of any person appointed or pro-  
9 moted pursuant to the provisions of this subdivision six may be  
10 terminated at any time during the probationary period by the board  
11 employing such person.

12 7. (a) Every person who, on June thirtieth, nineteen hundred  
13 seventy, holds a regular pedagogical position with the board of  
14 education and every person who on such date holds a permanent  
15 non-pedagogical position with such board, and who has tenure in  
16 such pedagogical or non-pedagogical position, and who has not  
17 been appointed, transferred or assigned to a position with a com-  
18 munity board or the central board on or prior to such date, shall  
19 be transferred as of July first, nineteen hundred seventy, to the  
20 same or a similar or corresponding position with a community board  
21 or the central board as hereinafter in this subdivision provided,  
22 without further examination or qualification and without diminu-  
23 tion of pay or rank. Persons so transferred to supervisory pedagogi-  
24 cal positions shall be subject to the provisions of paragraph f of  
25 subdivision nine of this section.

26 (b) Each person who is transferred pursuant to paragraph a of  
27 this subdivision seven and who on June thirtieth, nineteen hundred

1 seventy is employed as a member of the staff of a school or other  
2 facility operated by the board of education, shall be transferred  
3 to employment with the community board or central board, as the  
4 case may be, which undertakes the operation of such school or  
5 facility on July first, nineteen hundred seventy. All other persons  
6 transferred pursuant to such subdivision a are hereby transferred  
7 to employment with the central board. Community boards and  
8 the central board shall take such action as may be necessary to  
9 effectuate such transfers pursuant to the foregoing provisions of  
10 this section.

11 (c) Nothing contained in paragraphs a and b of this subdivision  
12 seven shall be construed as limiting or restricting the power of com-  
13 munity boards and the central board to abolish positions, including  
14 the positions of persons transferred to any such board pursuant to  
15 such paragraphs a and b.

16 (d) Eligible lists in existence on June thirtieth, nineteen hundred  
17 seventy, for appointment or promotion to non-pedagogical posi-  
18 tions with the board of education shall, in accordance with the  
19 rules and regulations of the civil service commission of the city,  
20 be used and certified for appointment or promotion, as the case may  
21 be, to vacancies in appropriate positions with community boards  
22 and the central board. Examinations in process on such date for  
23 any such non-pedagogical positions with the board of education  
24 shall be completed by the department of personnel of the city and  
25 eligible lists established as a result of such examinations shall be  
26 used and certified for appointment or promotion as in the case of  
27 the eligible lists hereinabove in this paragraph d mentioned. All

1 other matters which relate to the administration of the civil service  
2 law, rules and regulations with respect to all such transferred per-  
3 sons holding non-pedagogical positions, and which are pending  
4 before the civil service commission of the city or the department of  
5 personnel on June thirtieth, nineteen hundred seventy, shall be  
6 completed by such commission or department thereafter, and for  
7 such purposes the employing community board or the central board,  
8 as the case may be, shall be deemed the successor to and a continu-  
9 ation of the board of education.

10 (e) (1) In any case where a person is appointed, transferred or  
11 assigned pursuant to the provisions of this article, to a pedagogical  
12 or non-pedagogical position as an employee of a community board  
13 or the central board, and such person, on the day next preceding  
14 the date on which he is so appointed, assigned or transferred, had  
15 tenure in the same or a similar position as an employee of the  
16 board of education, or had tenure as an employee of such board  
17 in a position from which he was transferred or assigned pursuant  
18 to paragraph e of subdivision nine of this section, such person on  
19 and after the date of such appointment, assignment or transfer,  
20 shall continue to have tenure in such position as an employee of  
21 the community board or the central board. The tenure rights of  
22 any such person shall be governed, on and after such last-mentioned  
23 date, by the applicable provisions of this article.

24 (2) Any tenured person who holds a non-pedagogical position  
25 with a community board or the central board and whose tenure is  
26 continued pursuant to this paragraph e shall retain his civil  
27 service jurisdictional classification and status.

1 (3) Any person whose tenure is continued under subparagraph  
2 one of this paragraph e:

3 (i) shall not suffer any diminution of pay or rank by reason of  
4 an appointment, transfer or assignment therein mentioned;

5 (ii) shall be entitled to full seniority credit for all purposes,  
6 including determination of salary and increments as an employee  
7 of a community board or the central board, for service with the  
8 board of education rendered prior to such appointment, transfer  
9 or assignment, to the same extent as if such service had been  
10 service with the employer community or central board; and

11 (iii) shall retain his earned unused sick leave and vacation credit  
12 as an employee of the board of education, but not in excess of the  
13 maximum accumulations permitted under the by-laws or regulations  
14 of the employer community or central board.

15 (f) The rights to a continuation of tenure conferred by paragraph  
16 (e) of this subdivision seven shall not be construed as limiting or  
17 restricting the powers granted community boards and the central  
18 board by this article to appoint, reassign or transfer personnel.

19 (g) For the purpose of satisfying the requirements of this article  
20 for attainment of tenure in a pedagogical position with a community  
21 board or the central board, prior probationary service which is  
22 rendered in the same or a similar or corresponding position with  
23 the board of education and which immediately precedes appoint-  
24 ment, transfer or assignment to such position with a community  
25 board or the central board, shall be credited as probationary service  
26 in such last-mentioned position.



1 8. The central board shall establish a central manpower division.  
2 Under criteria established by the commissioner of education, which  
3 the central board may supplement with additional requirements,  
4 such division shall conduct examinations for pedagogical positions  
5 in the school system so as to provide personnel who may be appointed  
6 to such positions in compliance with the requirements of paragraph  
7 a of subdivision one of this section. The central board and com-  
8 munity boards may, but shall not be required to use the services  
9 of such division in appointing or promoting personnel to such  
10 positions.

11 9. (a) Any employee holding a pedagogical position with the  
12 board of education, a community board or the central board, may  
13 be transferred by voluntary board action, as herein prescribed,  
14 from such a position with any such board to such a position with  
15 any other such board, subject to the provisions of paragraph a of  
16 subdivision one of this section, paragraph c of this subdivision  
17 nine and the applicable provisions of this article.

18 (b) Any person holding a non-pedagogical position with the  
19 board of education, a community board or the central board may  
20 be transferred by voluntary board action, as herein prescribed,  
21 from such a position with any such board to such a position with  
22 any other such board, subject to the applicable provisions of the  
23 civil service law and rules as provided for in subdivision six of this  
24 section and subject to the provisions of paragraph c of this sub-  
25 division nine.

26 (c) Except as otherwise provided in paragraph e of this sub-  
27 division nine:

1     (1) No such board shall be required to accept the transfer of a  
2     person employed by any other such board; and

3     (2) No transfer between boards shall be made without the  
4     consent of the board from which the transfer is to be made; and

5     (3) No employee of any such board shall be transferred without  
6     his consent to a position with another board.

7     (d) (1) Any person who is transferred from the central board  
8     to a community board, or from a community board to the central  
9     board, or from one community board to another, shall have the  
10    same tenure rights as he possessed as a member of the board from  
11    which he was transferred.

12    (2) In the event of any transfer, referred to in this paragraph  
13    d, of a non-tenured person holding a pedagogical position, pro-  
14    bationary service of such person immediately prior to the transfer  
15    may be added to probationary service thereafter, for the purpose of  
16    satisfying tenure requirements under this article.

17    (e) Notwithstanding any other provision of this article to the  
18    contrary, but subject to the provisions of paragraph a of subdivision  
19    one of this section, any person employed by the board of education  
20    may, at any time prior to July first, nineteen hundred seventy, be  
21    transferred or assigned by the central board, without the consent  
22    of such person and without the consent of any other board affected,  
23    to positions with any community board or the central board, where  
24    the central board deems such transfer or assignment necessary or  
25    appropriate for carrying out the purposes of this article. The  
26    provisions of this paragraph e shall not apply to the superintendent  
27    of schools of the board of education, the members of the board of

1 examiners established by section twenty-five hundred sixty-nine  
2 of this chapter, as in effect prior to July first, nineteen hundred  
3 seventy, or the director, chief attendance officer or division super-  
4 vising attendance officers of the bureau of compulsory education,  
5 school census and child welfare established by section twenty-five  
6 hundred seventy of this chapter, as in effect prior to such date.

7 (f) Notwithstanding any other provision of law to the contrary,  
8 any person who holds a supervisory pedagogical position with a  
9 community board or the central board may, subject to the provi-  
10 sions of paragraph a of subdivision one of this section, be trans-  
11 ferred by the employing board, in its discretion and without his  
12 consent, to any other or different position of the same rank with  
13 the same board, provided such transfer is made at compensation  
14 equivalent to that earned in the position from which the transfer  
15 is made. A person so transferred shall have in the position to  
16 which he is transferred, the same tenure rights and seniority,  
17 vacation and sick leave credit as he possessed in the position from  
18 which he was transferred; provided, however, that in the event of  
19 such a transfer of a non-tenured person, probationary service of  
20 such person immediately prior to the transfer may be added to  
21 probationary service thereafter for the purpose of satisfying tenure  
22 requirements under this article.

23 10. (a) Employees of a community board or the central board  
24 may be reassigned between schools or other facilities or units oper-  
25 ated by the same board, whenever it deems such action desirable.

26 (b) Any person holding a pedagogical position with any such  
27 board may be transferred to another such position with the same

1 board, with his consent, subject to the provisions of paragraph a  
2 of subdivision one of this section.

3 (c) Any person holding a non-pedagogical position with any  
4 such board may be transferred to another such position with the  
5 same board, with his consent, subject to the applicable provisions  
6 of the civil service law and rules, as provided in subdivision six  
7 of this section.

8 (d) Previously acquired tenure shall continue in the event of  
9 any transfer referred to in paragraphs b and c of this subdivision  
10 ten. In the event of a transfer of a non-tenured person to a  
11 pedagogical position hereunder, probationary service of such person  
12 immediately prior to the transfer may be added to probationary  
13 service thereafter, for the purpose of satisfying tenure require-  
14 ments under this article.

15 11. On and after July first, nineteen hundred seventy, teachers  
16 appointed in the schools or classes of correction of the city shall  
17 be appointed by the commissioner of correction of such city upon  
18 the nomination of the city superintendent and shall be licensed  
19 by the central board.

20 12. Any board, whether community or central, may, subject to  
21 the approval of the commissioner of education, assign in the  
22 schools which it operates, any teacher employed to teach any subject  
23 or subjects other than any specific subject for which such teacher  
24 is licensed. No such assignment shall be made unless the board  
25 taking such action certifies, on the recommendation of its super-  
26 intendent of schools, that such teacher is competent to teach the  
27 assigned subject or subjects. The assignment of a teacher to teach

1 any such assigned subject shall not operate to change the rank or  
2 level of such teacher from that which he or she occupied prior to  
3 such assignment.

4 13. On and after September first, nineteen hundred seventy,  
5 any person who, while an employee of a community board or the  
6 central board, shall accept, occupy or retain any other employment  
7 or office of emolument with any such board, or who shall occupy or  
8 accept any other employment or office connected with the state or  
9 any civil division or agency thereof, except to give literacy tests  
10 and issue literacy certificates to voters under the rules and regula-  
11 tions of the board of regents, pursuant to the provisions of the  
12 election law, shall be deemed thereby to have vacated his original  
13 employment or office with such board; except that the central  
14 board, upon the recommendation of the city superintendent, may  
15 determine in writing that it is for the best interests of the school  
16 system that such person be permitted to occupy such other employ-  
17 ment or office for a period or periods which shall not exceed one  
18 school year in the aggregate whenever a suitable and qualified  
19 person cannot be found for such other employment or office and  
20 except that the central board, upon the recommendation of the  
21 city superintendent, may assign any person for a period not to  
22 exceed sixty days in the aggregate in any one school year to assist  
23 a community board or the central board in the preparation and  
24 conduct of examinations. The central board, upon like recom-  
25 mendation, may permit and regulate the holding of two positions  
26 by the same person, in neither of which positions the person so  
27 employed serves on an annual salary nor must become a member



1 of the retirement system created by, or pursuant to, the laws of  
2 this state.

3 14. Any board, whether community or central, may, for the  
4 schools which it operates, employ replacement teachers to serve in  
5 positions which have been temporarily vacated by teachers absent  
6 on leave. Such positions of replacement teachers shall be in all  
7 respects permanent positions in the school system and persons duly  
8 appointed to such positions shall be entitled to the rights of tenure  
9 and retirement accruing to persons serving in other permanent  
10 teaching positions. When a replacement teacher with tenure is  
11 displaced by the return of the absent teacher, he shall be given  
12 priority in filling other vacated or newly created teaching positions  
13 within the schools under the control of the appointing board. The  
14 method of implementing this priority shall be determined and made  
15 public by each board.

16 15. The central board and each community board may require  
17 any of its employees to submit to a medical examination by a  
18 physician or physicians designated by the employer board, to deter-  
19 mine fitness for duty. The person required to submit to such  
20 medical examination shall be entitled to be accompanied by a  
21 physician or other person of his own choice.

22 16. Community boards may, in schools which they operate,  
23 create positions as teacher-trainer and teacher-trainees. Such posi-  
24 tions may be filled by persons designated by a community board,  
25 on the recommendation of the community superintendent, as quali-  
26 fied teacher-trainers or qualified potential teachers, respectively,  
27 subject to regulations of the commissioner of education. The com-

1 missioner shall by regulation establish the maximum number of  
 2 such positions which may be created in any school. In promulgating  
 3 such regulations, the commissioner shall consider the needs of the  
 4 school system for such personnel and their effectiveness in further-  
 5 ing educational advancement.

6 17. No period in any school year for which there is no required  
 7 service or for which no compensation is provided shall constitute  
 8 a break or suspension of probationary period or continuity of  
 9 tenure rights.

10 18. Each community board and the central board shall have  
 11 power to authorize one or more of its employees whose duties  
 12 include the carrying out of the provisions of articles sixty-five and  
 13 ninety-three of this chapter, to commit and parole delinquent  
 14 children in the manner provided by section thirty-two hundred  
 15 fourteen of this chapter.

16 19. (a) If a community board or the central board abolishes a  
 17 pedagogical position and creates another position for the per-  
 18 formance of duties similar to those performed in the office or  
 19 position abolished, the person filling such office or position at the  
 20 time of its abolishment shall be appointed to the position thus  
 21 created without reduction in salary or increment, provided the  
 22 record of such person has been one of faithful, competent service  
 23 in the position he has filled.

24 (b) Whenever any such board abolishes a pedagogical position  
 25 under this chapter, the services of the employee having the least  
 26 seniority in the system of such board, within the tenure of the  
 27 position abolished, shall be discontinued.

1 (c) No person holding a pedagogical position with any such  
2 board who has been regularly appointed in accordance with merit  
3 and fitness, determined by competitive examination, shall be dis-  
4 missed upon the abolition of his position if:

5 (1) The superintendent of such board certifies that such member  
6 is competent to serve in any vacant position with such board which  
7 is in the same rank or level or in a lower rank or level of service  
8 with such board; and

9 (2) The superintendent, upon direction of such board, assigns  
10 such employee to any such vacant position, in which event such  
11 employee so assigned shall serve in such position without reduction  
12 of salary.

13 (3) If a pedagogical position with any such board is abolished  
14 or if it is consolidated with another position without creating a  
15 new position, the person filling such position at the time of its  
16 abolishment or consolidation shall be placed upon a preferred  
17 eligible list of candidates for appointment to a vacancy that then  
18 exists or that may thereafter occur in an office or position with  
19 such board similar to the one which such person filled, without  
20 reduction in salary or increment, provided the record of such person  
21 has been one of faithful, competent service in the position he has  
22 filled. The persons on such preferred list shall be reinstated or  
23 appointed to such corresponding or similar positions with such  
24 board in the order of their length of service in the system of such  
25 board.

26 20. The mayor may, by executive order, require that any em-  
27 ployee of a community board or of the central board shall give

1 bond in an amount prescribed in such order. The city shall pay  
2 the premiums on any such bonds.

3 § 2590-m. Removal of tenured personnel. 1. Any person who  
4 has served the prescribed probationary period and has been granted  
5 a permanent appointment shall hold his position during good  
6 behavior and satisfactory service and shall be removable by the  
7 central board only for cause after a hearing held pursuant to sub-  
8 division two of this section. Such a hearing shall be held only  
9 upon the recommendation of the city superintendent with respect  
10 to persons employed by the central board or on the recommendation  
11 of the community superintendent with respect to persons employed  
12 by a community board.

13 2. Hearings pursuant to this section may be held by the cen-  
14 tral board or by a committee of one or more of its members or by a  
15 hearing examiner, as directed by the board. The board shall have  
16 power to designate one or more of its employees as a hearing  
17 examiner. If the hearing is before any tribunal other than the  
18 entire board, the report and recommendations of the tribunal shall  
19 be approved, disapproved or modified by the central board after  
20 each member of the board voting thereon has reviewed the evidence  
21 in the case.

22 3. The central board shall fix the punishment, if any, to be  
23 imposed for the offense and such punishment shall consist of a  
24 reprimand, a fine, suspension for a fixed time without pay or dis-  
25 missal; provided, however, that a vote of a majority of all the  
26 members of such board shall be required for imposition of punish-  
27 ment.

1 4. An employee may be suspended by the central board, pending  
2 the hearing and determination of charges and imposition of punish-  
3 ment; provided that in the case of a teacher or other non-super-  
4 visory employee, such suspension shall not continue for more than  
5 ninety days. If a suspended employee is acquitted, he shall be  
6 restored to his position with full pay for the period of suspension,  
7 less his earnings from other employment during such period.

8 5. In all hearings and investigations under this section, all  
9 testimony shall be under oath, which the presiding officer of the  
10 hearing shall have power to administer. Such officer shall also have  
11 power to subpoena witnesses, papers and records. The supreme  
12 court shall have power, upon application of the presiding officer, to  
13 compel any witness who may be summoned to appear and testify  
14 before the hearing tribunal.

15 6. No charges under this section shall be brought more than three  
16 years after the occurrence of the alleged incompetency or mis-  
17 conduct except where the charge alleges misconduct which resulted  
18 in a conviction for a crime.

19 7. Any person claiming to be aggrieved by the action of the  
20 central board under this section may review its determination  
21 either by appeal to the commissioner of education, as provided by  
22 article seven of this chapter, or in accordance with the provisions of  
23 article seventy-eight of the civil practice law and rules. If such  
24 person elects to institute a proceeding under the civil practice law  
25 and rules, the determination of the central board shall, for the  
26 purpose of such proceeding, be deemed final.



1    § 2590-n. *Acquisition, construction and disposition of physical*  
2 *facilities. 1. The central board, to provide facilities for itself or*  
3 *any community board, is authorized and it shall have power to*  
4 *purchase, repair, remodel, improve or enlarge school buildings or*  
5 *other buildings, or sites, and to construct new buildings, subject*  
6 *to such limitations and restrictions as are provided in this section.*  
7 *Where such action involves a school building operated or to be*  
8 *operated by a community board, action by the central board shall*  
9 *be taken only after consultation with the community board.*

10    2. *Whenever in the judgment of the central board it is necessary*  
11 *to select a new site, or to enlarge a present site, or to designate a*  
12 *playground or recreation center, or to acquire title to or lease*  
13 *real property for other educational purposes authorized by this*  
14 *chapter, such board may take options on property desirable for*  
15 *such purposes. Before taking title thereto such board shall pass a*  
16 *resolution stating the necessity therefor, describing by metes and*  
17 *bounds the grounds or territory desired for each of such purposes,*  
18 *and estimating the amount of funds necessary therefor. An item*  
19 *for such amount, if funds are not available for the purchase or*  
20 *lease of such property, may be included in the next budget.*

21    3. *Whenever in the judgment of the central board the needs of*  
22 *the city require a new building for school purposes or for recreation*  
23 *or other educational purposes authorized by this chapter, or when*  
24 *in its judgment a building should be remodeled or enlarged, such*  
25 *board shall pass a resolution specifying in detail the necessity*  
26 *therefor and estimating the amount of funds necessary for such*  
27 *purpose. Such amount, if funds are available for the construc-*

1 tion of such building, may be provided in accordance with the  
2 provisions of section twenty-five hundred ninety-r of this chapter.

3 4. Whenever practicable, school buildings shall be constructed  
4 with an open-air playground attached to or available for use in  
5 connection with such buildings.

6 5. When real property of the city under the control and manage-  
7 ment of the central board or a community board is no longer  
8 needed for educational purposes, the central board shall notify the  
9 board of estimate of the city. Sale by the city shall be in the  
10 manner in which other property owned by the city may be sold  
11 or disposed of and the proceeds, if any, shall be credited to the  
12 funds of the central board unless the board of estimate determines  
13 that such funds shall be used for other city purposes.

14 6. The central board may through its designated officers, agents  
15 or employees enter upon public or private property for the purpose  
16 of making surveys, soundings or test borings necessary for the  
17 exercise of its powers or the performance of its duties; provided,  
18 however, that the mayor of the city has formally approved the  
19 acquisition of the property as a school site.

20 7. The central board may purchase real property for any purpose  
21 authorized by law and shall take title thereof in the name of the  
22 city which shall hold such property in trust for the use of the  
23 city school system and the city is hereby empowered to sell and  
24 convey the same when it deems it proper for the interest of the  
25 school system. When the owner of such property refuses to sell  
26 the same or the central board is unable to agree with the owner of  
27 such property on the purchase price thereof, the city may, at the

1 request of the central board, acquire title to such property pursuant  
2 to the applicable provisions of the administrative code of the city  
3 governing the condemnation of property by the city for public  
4 purposes.

5 § 2590-o. Contracts and purchases. 1. (a) Except as otherwise  
6 provided in paragraph b of this subdivision one:

7 (1) the central board shall let all contracts for public work to  
8 the lowest responsible bidder after advertisement for bids where  
9 so required by section one hundred three of the general municipal  
10 law; and

11 (2) the central board and community boards shall let purchase  
12 contracts to the lowest responsible bidder after advertisement for  
13 bids where so required by such section.

14 (b) If the several parts of the work or labor to be done and/or  
15 the supplies, material and equipment to be furnished shall together  
16 involve an expenditure of not more than five thousand dollars, the  
17 same may be procured on order awarded to the lowest responsible  
18 bidder upon bids submitted without public advertisement under  
19 such regulations as shall be made by the central board. Purchases  
20 of twenty-five dollars or less may be made without competition.

21 2. The central board may make rules and regulations governing  
22 the qualifications of bidders entering into contracts for the erection  
23 and construction of buildings, and for the alteration of buildings  
24 when the entire cost of such alteration shall exceed twenty-five  
25 thousand dollars. The bidding may be restricted to those who have  
26 qualified prior to the receipt of bids according to standards fixed  
27 by the central board, provided that notice or notices for the sub-

1 mission of qualifications shall be published in the City Record and  
2 in an appropriate trade journal published in the city, at least once,  
3 not less than ten days prior to the date fixed for the filing of  
4 qualifications.

5 3. In all contracts made by the central board for the construction,  
6 repair, alteration or remodeling of buildings and in all purchase  
7 contracts made by the central board or any community board, a  
8 stipulation may be inserted for liquidated damages for any breach,  
9 failure or delay in the performance thereof. Any such board is  
10 authorized and empowered to remit the whole or any part of such  
11 damages as in its discretion may be just and equitable. In all  
12 suits commenced on any such contracts or on any bond given  
13 in connection therewith, it shall not be necessary for any such  
14 board, whether plaintiff or defendant, to prove actual or specific  
15 damages sustained by reason of any such breach, failure or delay,  
16 but such stipulation for liquidated damages shall be conclusive and  
17 binding upon all parties.

18 § 2590-p. Adoption of educational budget by city. 1. Not later  
19 than March fifteenth, nineteen hundred sixty-nine, the central  
20 board shall submit to the mayor a proposal for an equitable and  
21 objective formula whereby the total amount to be made available  
22 for expenditure by community boards in the second fiscal year of  
23 the city next succeeding such March fifteenth, as determined pur-  
24 suant to the provisions of subdivision fifteen of this section, may  
25 be allocated among such boards on the basis of needs.

26 2. Prior to submission of such proposed allocation formula to  
27 the mayor, the central board shall:

1 (a) file such formula in its office and make same available for  
2 public inspection, together with a statement showing the factors  
3 considered in determining needs for the purpose of constructing  
4 such formula; and

5 (b) submit such formula to all community boards and afford them  
6 a reasonable opportunity for review and comment.

7 3. The mayor shall, on or before May first, nineteen hundred  
8 sixty-nine, approve such formula, as submitted or with such modi-  
9 fications as he shall deem necessary or appropriate for carrying  
10 out the purposes of this article.

11 4. In nineteen hundred seventy and in each subsequent calendar  
12 year, the central board and the mayor, acting in accordance with  
13 the procedure set forth in the preceding subdivisions of this section  
14 and in compliance with the schedule of dates therein set forth, as  
15 occurring in such year, shall adopt an allocation formula applicable  
16 to the total amount to be made available for expenditure by com-  
17 munity boards in the second fiscal year of the city next succeeding  
18 the adoption of such formula.

19 5. The total amount made available for expenditure by community  
20 boards in any fiscal year above mentioned in this section shall be  
21 divided among such boards in accordance with the terms of the  
22 allocation formula applicable to such fiscal year.

23 6. The quality incentive fund shall be a fund maintained by the  
24 central board which it shall allocate among such board and com-  
25 munity boards, in such amounts as it shall deem appropriate, to  
26 assist in and encourage racial integration, experimentation, innova-  
27 tion and interdistrict cooperative arrangements, and to meet emer-



1 gency needs. The procedure for adoption of appropriations for  
2 such fund shall be as prescribed in this section for adoption of  
3 other appropriations for expenditures of the central board.

4 7. In the adoption of educational appropriations in the expense  
5 budget of the city for its nineteen hundred seventy-one-nineteen  
6 hundred seventy-two fiscal year and each fiscal year thereafter,  
7 the procedure shall be as prescribed in subdivisions eight to fifteen,  
8 inclusive, of this section, commencing with the calendar year  
9 nineteen hundred seventy.

10 8. No later than June first of each year, the mayor shall submit  
11 to the central board an estimate of:

12 (a) the total sum to be available for expenditure by the central  
13 board and all community boards during the second fiscal year of  
14 the city next succeeding such June first, excluding from such sum,  
15 however, funds to be appropriated or made available in the capital  
16 budget of the city; and

17 (b) the total sum to be available for expenditure by community  
18 boards during such fiscal year.

19 9. On the basis of such estimate by the mayor with respect to  
20 such fiscal year, and on the basis of the allocation formula applicable  
21 to such fiscal year hereunder, the central board shall, not later than  
22 June tenth next succeeding the submission of such estimate by the  
23 mayor, submit to each community board an estimate of the total  
24 sum to be available for expenditure by such board for the per-  
25 formance of its functions during such fiscal year.

26 10. On or before July thirtieth of each year, each community  
27 board shall submit to the central board, an itemized estimate of

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1 the sums which the community board deems necessary for the per-  
2 formance of its functions during the fiscal year of the city com-  
3 mencing next after such July thirtieth. Such estimate shall be  
4 based on the estimate with respect to such fiscal year submitted  
5 to such board by the central board pursuant to subdivision nine of  
6 this section. Each community board shall hold a public hearing on  
7 its budgetary needs with respect to such fiscal year before sub-  
8 mitting its itemized estimate for such year to the central board.

9 11. On or before September fifteenth of each year, the central  
10 board shall transmit to the community boards its comments con-  
11 cerning the itemized estimates of such boards, including any recom-  
12 mended changes. If the central board shall recommend any changes  
13 in any such estimate, the community board which submitted it  
14 shall, not later than September thirtieth next succeeding, hold a  
15 public hearing on such changes and notify the central board of  
16 any modifications made by the community board, in its discretion,  
17 in such estimate.

18 12. (a) On such day as the mayor shall direct, but not later  
19 than the first day of January of each year, the central board shall  
20 submit to the mayor an itemized estimate of the total sum of money  
21 which it deems necessary for the performance of its functions  
22 (other than functions to be financed with funds provided for in  
23 the capital budget of the city) and those of all community boards  
24 during the next ensuing fiscal year.

25 (b) Such estimate shall be prepared in the manner prescribed by  
26 the city charter for submission of departmental estimates for cur-  
27 rent expenses to the mayor; provided however, that such estimate

1 shall be formulated so as to set forth the total amount requested  
2 for the expenditures of all community boards as a single unit of  
3 appropriation.

4 (c) The unit of appropriation relating to expenditures of com-  
5 munity boards shall, to the extent that it shows amounts requested  
6 for each such board, conform with the itemized estimates of such  
7 boards, as finally adopted by them pursuant to subdivision eleven  
8 of this section.

9 13. (a) In the proposed city expense budget submitted by the  
10 mayor to the board of estimate and city council each year for the  
11 next ensuing fiscal year, pursuant to the city charter, the total  
12 amount proposed for community boards shall be shown as a single  
13 unit of appropriation.

14 (b) The budget message of the mayor accompanying each such  
15 proposed budget shall contain such itemized information and sup-  
16 porting schedules with respect to units of appropriation for school  
17 system purposes as are required to be included, under the provisions  
18 of the city charter, with respect to other units of appropriation  
19 in a proposed budget.

20 14. Action by the board of estimate, the city council and the  
21 mayor each year on the proposed budget submitted by the mayor,  
22 so far as such action relates to proceedings for final adoption of  
23 appropriations for the central board and community boards, shall  
24 be in accordance with the provisions of the city charter governing  
25 final adoption of appropriations for city agencies generally, except  
26 as otherwise provided in subdivision fifteen of this section.

1     15. (a) If the total sum requested for any fiscal year in the  
2     itemized estimate submitted by the central board to the mayor  
3     pursuant to subdivision twelve of this section, after crediting  
4     thereto:

5     (1) the amount, as estimated by the central board with the  
6     approval of the mayor, which is to be received as a result of the  
7     apportionment of school funds from the state payable in such fiscal  
8     year; and

9     (2) the amount, as estimated by the central board with the  
10    approval of the mayor, which is to be received for school system  
11    expenditure in such year from sources other than (i) appropria-  
12    tions of city funds and (ii) appropriations or other provision of  
13    funds in a capital budget; shall be equivalent to or less than four  
14    and nine-tenths mills on every dollar of assessed valuation of the  
15    real property of the city liable to taxation, the city shall appro-  
16    priate not less than such total sum requested by the central board.

17    (b) If the total sum requested for any fiscal year in such estimate  
18    submitted to the mayor by the central board shall, after crediting  
19    the amounts referred to in subparagraphs one and two of para-  
20    graph (a) of this subdivision fifteen, shall exceed four and nine-  
21    tenths mills on every dollar of assessed valuation of such real  
22    property, the city may, but shall not be required to appropriate  
23    such excess. The city shall be authorized to appropriate for the  
24    school system sums in addition to those requested in the estimate  
25    submitted by the central board, subject to the provisions of this  
26    section.

1 (c) Notwithstanding any provision of the city charter or any  
2 other law to the contrary, the board of estimate and city council,  
3 in acting on the unit of appropriation for community board  
4 expenditures in the proposed budget submitted by the mayor, may,  
5 subject to the veto of the mayor, increase or decrease the total  
6 amount of such unit of appropriation, but shall not have power to  
7 add any other unit of appropriation for community board expen-  
8 ditures.

9 16. (a) The adoption of school system appropriations for the  
10 nineteen hundred seventy-nineteen hundred seventy-one fiscal year  
11 of the city shall be governed by the applicable provisions of article  
12 fifty-two of this chapter and of the city charter, except as other-  
13 wise provided in this subdivision sixteen.

14 (b) The itemized estimate submitted by the board of education  
15 to the mayor with respect to such fiscal year shall conform with the  
16 requirements of paragraphs a and b of subdivision twelve of this  
17 section. In preparing the portions of such estimate relating to  
18 appropriations for any community board, the board of education  
19 shall consult with such board, if it possesses a certificate of partial  
20 authority, issued pursuant to section twenty-five hundred ninety-dd  
21 of this chapter, authorizing it to act for such purpose.

22 (c) The procedure, terms and conditions prescribed by subdivi-  
23 sions thirteen, fourteen and fifteen of this section shall govern (1)  
24 the formulation of the unit of appropriation for community board  
25 expenditures and supporting information relating thereto in the  
26 proposed budget and budget message submitted by the mayor to  
27 the board of estimate and city council with respect to such fiscal



1 year and (2) the action of the mayor, the board of estimate and  
2 the city council in finally adopting the unit of appropriation for  
3 such expenditures for such year.

4 17. (a) If an emergency affecting matters within the functions,  
5 powers and duties of a community board arises, such board may  
6 submit to the central board a request for additional funds, together  
7 with a statement showing the proposed items of expenditure and the  
8 facts establishing the necessity therefor. If the central board shall  
9 determine that additional funds are required for such purpose and  
10 cannot be made available through means other than an additional  
11 city appropriation, the central board may submit to the mayor an  
12 itemized request for such additional funds as it deems necessary,  
13 together with a statement showing the necessity therefor.

14 (b) If an emergency affecting matters within the functions,  
15 powers and duties of the central board arises, and it determines  
16 that additional funds are needed to meet such emergency and  
17 cannot be made available through means other than an additional  
18 city appropriation, it may submit to the mayor an itemized request  
19 for such funds as it deems necessary, together with a statement  
20 showing the necessity therefor.

21 (c) If the mayor deems such a request by the central board for  
22 additional funds to be warranted, he may submit to the board of  
23 estimate and city council, an itemized request for such additional  
24 funds as in his judgment are required to meet the emergency. The  
25 city may appropriate additional funds for such purpose through  
26 action by the board of estimate and the city council upon such  
27 itemized request, subject to the veto of the mayor, in accordance

1 with the procedure applicable, under the city charter, to action by  
2 such bodies upon a proposed budget submitted by the mayor;  
3 provided however, that (1) each item in such request shall, for  
4 the purposes of this paragraph c, be deemed a separate unit of  
5 appropriation, (2) such bodies shall complete public hearings and  
6 action on the mayor's request within thirty days after submission  
7 thereof (3) the mayor may veto any action of either body on such  
8 request within ten days after expiration of such period of thirty  
9 days, and (4) such bodies may override the mayor's veto by action  
10 taken within ten days after the expiration of such period of ten  
11 days.

12 18. Funds to meet expenses of community boards and the central  
13 board incurred prior to July first, nineteen hundred seventy, may  
14 be made available to such boards (a) by the board of education, in  
15 its discretion, from moneys appropriated or authorized for expen-  
16 diture by the board of education, other than moneys appropriated  
17 or made available for school system capital projects and (b) in the  
18 discretion of the city, by appropriation of funds in the city's  
19 expense budget or modification of such budget.

20 § 2590-q. Budget administration. 1. Subject to the provisions of  
21 law relating to audit and payment of salaries and other claims of  
22 the comptroller:

23 (a) the central board shall administer all moneys appropriated  
24 or available for the performance of its functions and for the quality  
25 incentive fund; and

26 (b) each community board shall administer all moneys allocated  
27 to it pursuant to section twenty-five hundred ninety-p of this

1 chapter, subject to appropriate fiscal procedures of the central  
2 board.

3 2. Notwithstanding any other provision of this article to the  
4 contrary, in the event that the allocation formula applicable, pur-  
5 suant to to subdivisions one to five, inclusive, of such section  
6 twenty-five hundred ninety-p, to the sharing of community board  
7 funds in any fiscal year, results in a substantial inequity or defect  
8 in operation, the central board may make such reallocations or  
9 transfers of such funds or any remaining part thereof among such  
10 boards, as the central board may deem appropriate for correction of  
11 such inequity or defect. Any affected community board may appeal  
12 such action to the commis. sioner of education pursuant to section  
13 twenty-five hundred ninety-ee of this chapter.

14 3. Except as otherwise provided in any law of the United States  
15 with respect to appropriations of federal funds for educational  
16 purposes, and except where the provisions of this chapter authorize  
17 a community board to apply for, receive and administer state funds,  
18 the central board may, in behalf of the school system or any part  
19 thereof, apply for, receive and administer funds from:

20 (a) any government, federal, state or local, or any agency or  
21 instrumentality thereof;

22 (b) any private corporation or institution or other private source.

23 4. (a) Each community board may apply for, receive and admin-  
24 ister:

25 (1) federal funds, as authorized by section thirty-seven hundred  
26 thirteen of this chapter;

1 (2) state funds, where authorized to do so by any other provision  
2 of this chapter applicable to a community board;

3 (3) funds allocated by the central board from the quality incen-  
4 tive fund; and

5 (4) funds granted by any private corporation or institution or  
6 other private source.

7 (b) Except as authorized by the provisions of this chapter, a  
8 community board shall not, without the approval of the central  
9 board, apply to any government, federal, state or local, or any  
10 agency or instrumentality thereof, for funds or directly receive  
11 funds granted by any such public source.

12 5. The central board may allocate to community boards funds  
13 received by the central board pursuant to subdivision three of this  
14 section.

15 6. The central board and any community board may enter into  
16 such contracts with grant sources as may be necessary to effectuate  
17 any grant which such board is authorized to receive hereunder.

18 7. The provisions of subdivisions three, four, five and six of  
19 this section shall not be construed as modifying, changing or  
20 affecting the apportionment payable to the city of New York pur-  
21 suant to sections thirty-six hundred two and twenty-five hundred  
22 ninety-ff of this chapter, or any other apportionment of state funds  
23 to the city or the city school district of the city under this chapter.

24 8. The central board and community boards shall not incur any  
25 liability or expense chargeable against them or the funds under  
26 their control or the city for any purpose in excess of the amount  
27 appropriated or available therefor or otherwise authorized by law.

1    § 2590-r. *Financing of school system capital projects.* 1. Sub-  
2    ject to the provisions of subdivision fourteen of section twenty-  
3    five hundred ninety-p of this chapter, the city may, in its discretion,  
4    in the manner hereinafter provided in this section, annually cause  
5    to be raised such sums of money as may be required for school system  
6    capital projects.

7    2. Such projects may be financed in whole or in part, in the dis-  
8    cretion of the city, by appropriations adopted pursuant to such  
9    section twenty-five hundred ninety-p or as capital budget projects  
10   pursuant to the city charter and the local finance law.

11   3. For purposes of adoption and administration of the portions  
12   of the capital budget of the city relating to school system capital  
13   projects, including site selection and project initiation, the central  
14   board shall act in behalf of the school system and be treated as an  
15   agency of the city, subject, however, to the provisions of section  
16   twenty-five hundred ninety-n of this chapter. Before submitting  
17   estimates of school system capital projects to the mayor and the  
18   city planning commission as provided for in the city charter, the  
19   central board shall consult thereon with community boards in  
20   accordance with procedures prescribed by the central board, which  
21   shall afford community boards a reasonable opportunity for expres-  
22   sion of their views. Sums appropriated or otherwise provided for  
23   school system capital projects in the capital budget, when authori-  
24   zation for expenditure thereof shall have been granted pursuant  
25   to the city charter, shall be administered and expended by the  
26   central board subject to the provisions of chapter nine of the city  
27   charter.



1     4. If the city shall issue obligations for any capital project for  
2     the school system, the principal and interest of such obligations  
3     shall be paid out of moneys raised by tax therefor in the same  
4     manner as other school moneys are raised, when such obligations  
5     and the interest thereon shall become due and payable.

6     5. During nineteen hundred seventy-one and at intervals of five  
7     years thereafter, the central board shall, after appropriate con-  
8     sultations and hearings, publish a capital needs analysis and a plan  
9     showing intended capital development for the ensuing ten years.

10    6. With respect to the preparation and adoption of the capital  
11    budget of the city for its nineteen hundred seventy-nineteen  
12    hundred seventy-one fiscal year, the board of education shall act  
13    in relation to school system capital projects pursuant to applicable  
14    provisions of law in effect, prior to July first, nineteen hundred  
15    seventy. With respect to the administration of the portions of such  
16    capital budget relating to school system capital projects, the central  
17    board shall act pursuant to the provisions of subdivision three of  
18    this section.

19    § 2590-s. Annual audit and financial report. The central board  
20    shall cause all expenditures of educational funds by such board  
21    and community boards to be post-audited annually and shall file  
22    in the office of the central board, the mayor and the comptroller  
23    a report showing the results of such audit. Such report shall be  
24    available for inspection by the public.

25    § 2590-t. Custody and disbursement of funds. 1. (a) On and  
26    after July first, nineteen hundred seventy, public moneys appor-  
27    tioned to the city by the state and all funds raised or collected by

1 the authorities in the city for school purposes or to be used by the  
2 central board or community boards for any purpose authorized by  
3 this chapter, or any other funds belonging to the city and received  
4 from any source whatsoever for similar purposes, shall be paid  
5 into the city treasury and, in accordance with appropriations,  
6 allocations or other authorizations under this article for expendi-  
7 ture, use or disposition of such moneys or funds by community  
8 boards or the central board, shall be credited to (1) the central  
9 board, or (2) the quality incentive fund, or (3) the respective  
10 community boards as determined by the allocation formula estab-  
11 lished pursuant to section twenty-five hundred ninety-p of this  
12 chapter.

13 (b) Any funds appropriated or made available for expenditure  
14 by a community board or the central board, prior to July first,  
15 nineteen hundred seventy, shall be paid into the city treasury  
16 and shall be credited to the board authorized to expend, use or  
17 dispose of such funds.

18 2. The funds so received into such treasury shall be kept separate  
19 and distinct from any other funds received therein. The officer  
20 having charge thereof shall give such additional security for the  
21 safe custody thereof as the corporate authorities of the city shall  
22 require.

23 3. Funds credited to the central board and to the quality incentive  
24 fund shall be disbursed upon written orders upon the director of  
25 finance of the city signed by the city superintendent and the presi-  
26 dent of the central board, or such other officers as such board may  
27 authorize. Funds credited to a community board shall be disbursed

1 upon written orders upon the director of finance of the city signed  
2 by the community superintendent of such board and its chairman,  
3 or such other officers as such board may authorize. Orders issued  
4 under this subdivision shall specify the purpose for which they  
5 are drawn and the person to whom they are payable.

6 4. (a) It shall be unlawful for the director of finance to permit  
7 any funds placed in his custody under the provisions of this  
8 section to be used for any purpose other than that for which they  
9 are lawfully authorized.

10 (b) Such funds shall be paid out only on audit of the central  
11 board, except as otherwise provided in subdivision five of this  
12 section.

13 (c) Payments from such funds shall be made only by checks  
14 signed by the director of finance and payable to the person entitled  
15 thereto and countersigned by the comptroller.

16 5. Fixed salaries, principal of and interest on indebtedness and  
17 amounts becoming due upon lawful contracts for periods exceeding  
18 one year may be disbursed without prior audit of the central board.

19 6. The central board and the community boards shall make, in  
20 addition to such classification of their funds as they desire for their  
21 own use and information, such further classification of the funds  
22 under their respective management and control and of the disburse-  
23 ment thereof as the comptroller shall require. The central board  
24 and community boards shall furnish such data in relation to such  
25 funds and their disbursements as the comptroller shall require.

26 § 2590-u. Corporate schools entitled to participate in central  
27 board funds. 1. The corporate schools entitled to participate in

1 funds of the central board are as follows: The schools established  
2 and maintained by the Five Points House of Industry, the indus-  
3 trial schools established and maintained under the charge of the  
4 Children's Aid Society in the city of New York, the schools of the  
5 American Female Guardian Society, the Roman Catholic Orphan  
6 Asylum, the Brooklyn Home for Children, the Orphan Home and  
7 the Convent of Mercy, and the Child Care Center (formerly  
8 Tuberculosis Preventorium for children). The New York Institute  
9 for the Blind shall receive a ratable proportion of the funds for  
10 every blind pupil in such institution without regard to age.

11 2. Such schools shall be subject to the general supervision of the  
12 central board but shall be under the immediate direction of their  
13 respective trustees, managers and directors.

14 § 2590-v. Trustees of corporate schools entitled to participate in  
15 funds of the central board may convey to city and be merged. The  
16 trustees, managers and directors of any of the corporate schools  
17 of the city entitled to participate in the apportionment of the funds  
18 of the central board may, at any time, convey their school houses  
19 and sites to the city and transfer any of their schools to the central  
20 board on terms and in a manner to be agreed upon and prescribed  
21 by such board, so as either to merge such corporate schools in the  
22 public schools or adopt them as public schools and the same shall  
23 then be public schools.

24 § 2590-w. Certain schools to report as to moneys and attendance;  
25 accidental omission to report. 1. The central board shall require  
26 from the officers conducting schools by appointment of the board,  
27 and from the trustees, managers or directors of the corporate

1 schools entitled to participate in the funds of the central board an  
2 annual report in writing dated the thirty-first day of December,  
3 which shall be signed and certified by a majority of such officers,  
4 trustees, managers or directors, and which report shall state: the  
5 whole number of schools within their jurisdiction; the length of  
6 time each school shall have been kept open; the whole number of  
7 pupils over four and under twenty-one years of age who shall have  
8 been taught free of expense to such pupils in their schools, during  
9 the year ending with the date of the report, which number shall  
10 be ascertained by adding to the number of children on register at  
11 the commencement of each year, the number admitted during that  
12 year, which shall be considered the total for that year; the average  
13 number that has actually attended such schools during the year,  
14 to be ascertained by the teachers keeping an exact account of the  
15 number of pupils present every school day or half day, which,  
16 being added together, and divided by four hundred sixty, or if less  
17 than a year by the number of school sessions, shall be considered  
18 the average of attending pupils, which average shall be affirmed  
19 or sworn to by the principal teacher of the school; a detailed  
20 statement of the amount of moneys received or expended for their  
21 respective schools during the year, from or by the director of finance  
22 of the city, and of the purposes for and the manner in which the  
23 same shall have been expended; a particular account of the state  
24 of the schools, and of the property and affairs of each school under  
25 their care; the titles of all books used; and such other information  
26 as such board shall require.



1     2. In making the apportionment among the several schools no  
 2 share shall be allotted by such board to any school or society from  
 3 which no sufficient annual report shall have been received for the  
 4 year ending on the last day of December immediately preceeding  
 5 the apportionment. Whenever an apportionment of the funds of  
 6 such board shall not be made to any school, in consequence of any  
 7 accidental omission to make any report required by law or to  
 8 comply with any other regulation or provision of law, such board,  
 9 in its discretion, may direct an apportionment to be made to such  
 10 school according to the equitable circumstances of the case, to be  
 11 paid out of the funds of such board on hand, or if such funds shall  
 12 have been distributed, out of the funds to be received in a succeeding  
 13 year.

14     § 2590-x. Claims, actions and proceedings against central board  
 15 and community boards. 1. In any case where, but for the enactment  
 16 of this subdivision one, any community board would be liable in  
 17 tort to any person, such board shall not be liable therefor and  
 18 the central board shall be liable therefor in the place and stead of  
 19 such community board. No claim, action or proceeding shall be  
 20 asserted or brought against a community board by reason of any  
 21 such tort, but any claim, action or proceeding which, but for the  
 22 enactment of this subdivision one, could be asserted or brought  
 23 against a community board by reason of such tort, may be asserted  
 24 or brought against the central board.

25     2. No action or special proceeding, for any cause whatever, shall  
 26 be prosecuted or maintained against the central board or any  
 27 community board unless it shall appear by and as an allegation in

1 the complaint or necessary moving papers that at least thirty days  
2 have elapsed since the demand, claim or claims upon which such  
3 action or special proceeding is founded were presented to such  
4 board for adjustment, and that the officer or body having the power  
5 to adjust or pay such claim has neglected or refused to make an  
6 adjustment or payment thereof for thirty days after such pre-  
7 sentment.

8 3. The provisions of sections fifty-e, fifty-h and fifty-i of the  
9 general municipal law shall apply to claims, actions and special  
10 proceedings against the central board in the same manner, to the  
11 same extent and with the same force and effect as if such board  
12 were a school district.

13 4. The central board or any community board may require any  
14 person presenting for settlement an account or claim for any cause  
15 whatever against it to be sworn before it or a committee thereof,  
16 or before any person designated by such board, touching such  
17 account or claim, and when so sworn, to answer orally as to any  
18 facts relative to the justness of such account or claim. A member  
19 of such board, or any other person designated as hereinbefore  
20 stated, shall have the power to administer an oath to any person  
21 who shall give testimony as to the justness of such account or claim,  
22 and for the purpose of securing such testimony may issue subpoenas  
23 for the attendance of witnesses. Wilful false swearing before any  
24 such board, a committee thereof, or before any person designated  
25 as hereinbefore stated, is perjury and punishable as such.

26 § 2590-y. Liability of central board. Notwithstanding any in-  
27 consistent provision of law, general, special or local, or the limita-

tion contained in the provisions of the city charter, the central board shall be liable for, and shall assume liability to the extent that it shall save harmless any duly appointed member of the teaching or supervising staff, officer, or employee of a community board or the central board for damages arising out of the negligence of any such appointed member, officer or employee, resulting in personal injury or property damage either within or without the school buildings, provided the appointed member, officer or employee at the time damages were sustained was acting in the discharge of his duties and within the scope of his employment.

§ 2590-z. Retirement system for non-pedagogical employees. 1. No later than thirty days after the effective date of this section, the board of education of the city, the teachers retirement board and the commissioner of education, acting pursuant to section twenty-five hundred seventy-five of this chapter, as in effect prior to July first, nineteen hundred seventy, shall cause the rules and regulations governing the board of education retirement system established by the board of education pursuant to such section twenty-five hundred seventy-five to be amended so as to provide:

(a) for entry into membership in such system on the part of any person who does not have such membership and who is appointed, transferred or assigned, pursuant to this article, to a permanent non-pedagogical position with the central board or any community board;

(b) for the continuation of membership in such system on the part of any person who is so appointed, transferred or assigned

1 and who immediately prior to such appointment, transfer or  
2 assignment, is a member of such system; and

3 (c) for the continuation of membership in such system on the  
4 part of any person who (1) by appointment, transfer or assignment  
5 becomes an employee of a community board or the central board  
6 in a permanent pedagogical position which is the same as or similar  
7 to or corresponds with a position held by such person in the bureau  
8 of compulsory education, school census and child welfare established  
9 by such section twenty-five hundred seventy of this chapter, and  
10 (2) is a member of such retirement system at the time of such  
11 appointment, transfer or assignment.

12 2. Such retirement system, as established by the rules and  
13 regulations in effect on June thirtieth, nineteen hundred seventy  
14 pursuant to such section twenty-five hundred seventy-five, shall  
15 continue to exist on and after July first of such year under the  
16 name "central board of education retirement system", subject  
17 to the provisions of subdivision four of this section. All persons  
18 who are members of the board of education retirement system on  
19 such June thirtieth shall continue to be members of the central  
20 board of education retirement system thereafter, subject to the  
21 provisions of applicable rules and regulations governing eligibility  
22 for and rights to membership in the central board of education  
23 retirement system.

24 3. On and after July first, nineteen hundred seventy, the central  
25 board shall have power to maintain such retirement system and to  
26 adopt appropriate rules and regulations for the government, man-  
27 agement and control of the retirement of employees entitled to

1 membership therein, subject to the provisions of subdivision four  
2 of this section. The city shall appropriate annually, pursuant to  
3 chapter six of the city charter, the sum necessary to pay the  
4 expenses of the administration of this section and shall pay such  
5 pensions to persons eligible therefor as they shall be entitled to  
6 receive annually under the rules and regulations governing such  
7 system, as prescribed in this section. Such rules and regulations  
8 shall provide for the annual payment of a pension which shall be  
9 a per centum of the average annual personal compensation of an  
10 employee for the five years of service immediately preceding his  
11 retirement.

12 4. (a) On and after July first, nineteen hundred seventy, changes,  
13 alterations, amendments or modifications in the rules and regula-  
14 tions established for the administration of this section shall be  
15 adopted as hereinafter provided in this subdivision.

16 (b) The central board may adopt and shall submit such changes,  
17 alterations, amendments or modifications, hereinafter in this sub-  
18 division referred to as changes, to the teachers' retirement board  
19 for approval. The teachers' retirement board shall, within thirty  
20 days after the submission to it of such changes, transmit to the  
21 central board a statement in writing setting forth which of such  
22 changes it approves and which it disapproves, if any, and the  
23 reasons for such disapproval. If the teachers' retirement board  
24 shall approve all of such changes, they shall immediately become  
25 effective and in full force and operation.

26 (c) If the teachers' retirement board shall disapprove any or all  
27 of such changes and if the central board and the teachers' retire-



1 ment board within thirty days thereafter shall fail to agree upon  
2 changes in place of the changes so disapproved, the changes shall be  
3 submitted by the central board, within ten days after the expira-  
4 tion of such period of thirty days, to the commissioner of education,  
5 who shall have full power to approve, alter or modify the changes  
6 disapproved by the teachers' retirement board. Such action of  
7 the commissioner of education shall be final, and thereupon the  
8 changes approved by the teachers' retirement board and the changes  
9 approved, altered or modified by the commissioner of education shall  
10 immediately become effective and in full force and operation.

11 (d) Should the teachers' retirement board fail either to approve  
12 or disapprove all or any of such changes submitted to it as herein  
13 provided, then such changes not approved or not disapproved shall,  
14 at the expiration of the thirty days immediately following their  
15 submission to the teachers' retirement board, be deemed to have  
16 been approved by the teachers' retirement board and such changes  
17 shall immediately become effective and in full force and operation.

18 5. (a) Notwithstanding any other provision of law to the con-  
19 trary, any employee of the board of education, who has completed  
20 at least twenty years of continuous board of education administra-  
21 tive service, or other service as a member of the board of edu-  
22 cation retirement system, and having accepted appointment to  
23 the school clerical or pedagogical service of the board of educa-  
24 tion, may continue membership in the board of education retire-  
25 ment system and shall be permitted to contribute to such system  
26 and receive credit for service rendered to the school clerical or  
27 pedagogical service of the board of education as if such service were  
28 education service.

1 (b) Notwithstanding any other provision of law to the contrary,  
2 any person who has completed twenty years of continuous service  
3 consisting in whole or in part of board of education administrative  
4 service, service in any non-pedagogical position as an employee of  
5 a central board or community board or other service as a member  
6 of the board of education retirement system or central board of  
7 education retirement system, and who accepts appointment to a  
8 pedagogical position with the central board or any community board,  
9 may continue membership in the board of education retirement  
10 system or central board of education retirement system, as the case  
11 may be, of which he is a member at the time of such appointment  
12 and shall receive credit for service rendered in such pedagogical  
13 position as if such service were in a non-pedagogical position.

14 § 2590-aa. Anniversary day as a holiday in the public schools  
15 of the borough of Brooklyn and the borough of Queens. The first  
16 Thursday in June in each year, except in those years when the  
17 first Thursday in June occurs in the same week with Memorial  
18 day, and in such years the second Thursday in June, known as  
19 anniversary day, and celebrated in commemoration of the organiza-  
20 tion of Sunday schools, is hereby made and declared to be a holi-  
21 day in all the public schools in the borough of Brooklyn and  
22 borough of Queens of the city and the central board and all  
23 community boards are hereby authorized and directed to cause  
24 all the public schools in such boroughs to be closed on such day.

25 § 2590-bb. Tenure in fashion institute of technology. 1. The  
26 following words and phrases, as hereinafter used, and for the  
27 purposes of this section, shall have the following meanings:

1 a. "Community college" shall mean fashion institute of tech-  
2 nology, a community college sponsored by the board of education  
3 until June thirtieth, nineteen hundred seventy, and after such  
4 date by the central board.

5 b. "Board" shall mean the board of trustees of fashion institute  
6 of technology.

7 c. "Instructional staff" shall mean the persons employed in  
8 the community college in the positions of president, dean, director,  
9 assistant dean, assistant director, chairman of department or divi-  
10 sion, senior instructor, instructor, lecturer, college registrar, college  
11 bursar, laboratory technician, college administrative assistant,  
12 instructor technologist, college librarian, assistant librarian; or in  
13 any position which the board in its discretion may add thereto.

14 d. "Tenure" shall mean the right of a person to hold his posi-  
15 tion during good behavior and efficient and competent service,  
16 and not to be removed therefrom except for cause in the manner  
17 hereinafter provided.

18 2. All members of the permanent instructional staff under the  
19 jurisdiction of the board shall have tenure.

20 3. The permanent instructional staff shall consist of:

21 a. All persons employed on an annual salary basis in the com-  
22 munity college in the positions of senior instructor, librarian,  
23 assistant librarian, college registrar, college bursar or college  
24 administrative assistant, who, on April twelfth, nineteen hundred  
25 fifty-seven were serving in any of the positions enumerated in  
26 this paragraph and had completed at least four full years of con-  
27 tinuous service on an annual salary from the date of their appoint-

1 ment to any of the positions enumerated in this paragraph, or  
 2 who have so served at least three full years and have been appointed  
 3 for a fourth full year.

4 b. All other persons employed on an annual salary basis in the  
 5 community college in the positions of senior instructor, librarian,  
 6 assistant librarian, college registrar, college bursar, college adminis-  
 7 trative assistant, or in any position created on or after April  
 8 twelfth, nineteen hundred fifty-seven, which the board in its dis-  
 9 cretion may designate as a tenure position, who, after serving on  
 10 an annual salary in any of the positions enumerated or provided  
 11 for in this paragraph for three full years continuously, have been  
 12 appointed or shall be appointed for a fourth full year, except as  
 13 provided in subdivision four of this section, provided that in deter-  
 14 mining the tenure rights of such persons time served as an instruc-  
 15 tor shall be counted.

16 c. Any regularly appointed member of the teaching or super-  
 17 vising staff of the board of education who, on September first,  
 18 nineteen hundred fifty-eight was serving in the community college  
 19 in the position of senior instructor, librarian, assistant librarian,  
 20 college registrar, college bursar or college administrative assistant,  
 21 pursuant to an assignment by the superintendent of schools of the  
 22 board of education, and who had on such September first or there-  
 23 after shall have completed three full years of continuous service  
 24 in any of the positions enumerated in this paragraph, or in any  
 25 position created after such September first which the board may  
 26 designate as a tenure position, shall be entitled to become a member  
 27 of the permanent instructional staff of the community college with

1 tenure in the position in which he is then serving in the community  
2 college, provided such person, within three months after such com-  
3 pletion of three full years of continuous service, shall notify the  
4 president of the community college in writing of his election to  
5 become a member of the permanent instructional staff of the com-  
6 munity college with tenure in the position in which he is then  
7 serving in the community college, and provided further that such  
8 person shall within the same period resign from his position in  
9 the board of education. Such person shall have the absolute right,  
10 notwithstanding his election to become a member of the permanent  
11 instructional staff of the community college with tenure, to con-  
12 tinue as a member of the retirement system of which he was a  
13 member immediately prior to such election, without any loss or  
14 diminution in his rights, status or privileges in such retirement  
15 system. Any regular license issued by the superintendent of schools  
16 of the board of education, held by such person at the time he becomes  
17 entitled to tenure in the community college shall continue to be  
18 valid during his continuance of service in the community college.

19. 4. Nothing herein contained shall be construed as conferring  
20 or permitting tenure, or service credit toward the achievement of  
21 tenure, in the positions of president, dean, director, assistant dean,  
22 chairman of department or division, or assistant director. Appoint-  
23 ment to such position or removal therefrom, however, shall not  
24 deprive the person so appointed or removed of tenure in the high-  
25 est position on the instructional staff held with tenure prior to  
26 his appointment to such office or conjointly with such office, nor  
27 shall such appointment or the holding of such position or removal



1 from such position deprive any person of service credit toward the  
2 achievement of tenure under the provisions of this section.

3 5. A certificate of permanent tenure shall be issued by the board  
4 promptly after April twelfth, nineteen hundred fifty-seven, to  
5 each person then employed in the community college who, on or  
6 prior to such date shall have satisfied the requirements for entitle-  
7 ment to tenure prescribed by this section. In the case of any  
8 person employed in the community college on such April twelfth  
9 or thereafter, who, after such date, satisfies such requirements  
10 for entitlement to tenure, a certificate of permanent tenure shall  
11 be issued by the board to such person, upon the completion by such  
12 person of such requirements.

13 6. For the purpose of appointments and promotions in the instruc-  
14 tional staff which may be made after April twelfth, nineteen hundred  
15 fifty-seven, the board shall determine to what extent examina-  
16 tions are practicable to ascertain merit and fitness for each of the  
17 positions under its jurisdiction, and, in so far as examinations  
18 are deemed practicable, shall determine to what extent it is practi-  
19 cable, that such examinations be competitive. Any examination  
20 held in accordance with the provisions of this subdivision shall  
21 be set and administered through any agency which the board  
22 may from time to time create or designate. Prior to July first,  
23 nineteen hundred seventy, the superintendent of schools of the  
24 board of education may, upon the request of the president of the  
25 community college, direct the board of examiners and the medical  
26 board of the board of education to render such service as the  
27 president of the community college may request to assist the board

1 and the president of the community college in the ascertainment  
2 of merit and fitness for appointment to or relative to service in  
3 instructional positions in the community college. On and after  
4 July first, nineteen hundred seventy, the superintendent may, upon  
5 the request of the president of the community college, direct the  
6 professional manpower division and medical staff of the central  
7 board to render such service.

8 7. Neither tenure as conferred through the operation of this sec-  
9 tion nor the period requisite for the achievement of tenure shall be  
10 affected by transfer within the community college, or by promotion,  
11 or by change of title, except that a person upon whom tenure is  
12 conferred through the operation of this section and who may be  
13 transferred to any position in the community college, or who may  
14 be promoted, or whose title may be changed, shall have tenure in  
15 his new position, provided such position is not one of those enume-  
16 rated in subdivision four of this section. Nothing herein contained  
17 shall be construed to prevent the board from assigning any person  
18 having tenure to any appropriate position on the staff, but no such  
19 assignment shall carry with it a reduction in rank or a reduction in  
20 salary other than the elimination of any additional emolument pro-  
21 vided for administrative positions.

22 8. A position held by a person upon whom tenure is conferred  
23 through the operation of this section may be abolished or discon-  
24 tinued by the board for reasons which are not discriminatory against  
25 a particular person or persons. In the event that a position in a  
26 specified subject is to be abolished or discontinued, such position  
27 shall be that of the person last appointed to such position; provided,

1 however, that all persons in such position upon whom tenure is not  
2 conferred by the operation of this section shall be dismissed before  
3 the position of any other person in such subject is abolished or dis-  
4 continued. If the board abolishes or discontinues the position of a  
5 person upon whom tenure is conferred through the operation of  
6 this section and can find no position in the community college  
7 which can be efficiently and capably filled by such person, then his  
8 name shall be placed and shall remain for three years on a pre-  
9 ferred eligible list of candidates for reappointment to fill a vacancy  
10 that may thereafter occur in a position which can be efficiently and  
11 capably filled by such person or to fill a newly created position  
12 which can be efficiently and capably filled by such person. Reap-  
13 pointment from such preferred eligible list to a position in a specified  
14 subject shall be made in the order of the original appointment of  
15 the persons on such preferred eligible list. Any person reappointed  
16 from such preferred eligible list shall be reappointed at a salary  
17 not less than that which he was receiving when his position was  
18 abolished or discontinued. Any person whose name is placed on  
19 such preferred eligible list as hereinbefore provided shall, for the  
20 purpose of maintaining his status in any retirement system of  
21 which he is a member, be deemed to be on leave of absence without  
22 pay.

23 9. Persons granted tenure under the provisions of this section  
24 shall not be removed except for cause, after a hearing and by a  
25 majority vote of the board. Charges against a person entitled to  
26 tenure under the provisions of this section may be preferred by  
27 the president, any member or members of the board, or the board

1 *itself. Such charges and all specifications of such charges shall be*  
2 *filed with the board, which shall cause a copy thereof to be served*  
3 *upon the person accused, and such person shall have ten days from*  
4 *the date of the service of such charges and specifications, or such*  
5 *additional time as may be granted him by the chairman of the*  
6 *board, in which to file an answer in writing with the board. Any*  
7 *person against whom charges as herein provided are filed with the*  
8 *board, may be suspended with or without pay by the president pend-*  
9 *ing a final determination of such charges by the board. The board*  
10 *shall proceed to try and determine such charges either by the board,*  
11 *or by a trial committee consisting of one or more members of the*  
12 *board, or by a trial committee consisting of one or more persons*  
13 *specially appointed for such purpose by the board, and the board*  
14 *shall fix the penalty or punishment, if any, to be imposed for the*  
15 *offense, and such penalty or punishment may consist of a reprimand,*  
16 *a fine, suspension for a fixed time without pay, or dismissal;*  
17 *provided, however, that a vote of a majority of all the members of*  
18 *the board shall be necessary to impose a penalty or punishment.*  
19 *The report of any trial committee holding such trial shall be subject*  
20 *to final action by the board, each member of which shall before*  
21 *voting read the testimony and the evidence in the case. The board*  
22 *may reject, confirm or modify the conclusions of the trial committee,*  
23 *and the decisions of the board shall be final, except that any person*  
24 *aggrieved may review the determination of such board only by an*  
25 *appeal to the commissioner of education, as provided for by article*  
26 *seven of this chapter. In case the charges preferred against any*  
27 *person are dismissed, he shall be restored to his position with full*

1 pay for the period of his suspension. In all trials and investigations  
2 authorized by this section all testimony taken shall be under oath,  
3 which the chairman of the board or the chairman of the trial com-  
4 mittee is hereby authorized to administer. For the purpose of any  
5 investigation, trial or hearing, the chairman of the board or the  
6 chairman of the trial committee shall have power to subpoena wit-  
7 nesses, papers and records. The supreme court shall have power,  
8 upon the application of the chairman of the board or the chairman  
9 of the trial committee, to compel any witness who may be sum-  
10 moned, to appear and testify before said board or trial committee.

11 § 2590-cc. Appointment of experienced substitute teachers. 1.  
12 Notwithstanding any other provisions of law, the board of ex-  
13 aminers established by section twenty-five hundred sixty-nine of  
14 this chapter, as in effect prior to July first, nineteen hundred  
15 seventy, shall initiate, on or before December thirty-first, nineteen  
16 hundred sixty-seven and shall complete prior to July first, nineteen  
17 hundred seventy, examinations for licenses as regular teachers,  
18 which shall be open only to experienced substitute teachers (a)  
19 who hold a valid substitute license for teaching service in the  
20 public school system of the city in the same subject and at the  
21 same school level as are comprehended by the regular license sought  
22 hereunder; (b) who, within the five year period immediately pre-  
23 ceding July first, nineteen hundred sixty-seven taught under such  
24 license satisfactorily in the public schools of the city for a minimum  
25 of one year (one hundred sixty school days), of which at least  
26 one-half year (eighty school days) shall have been served con-  
27 tinuously in the same school.



1    2. Such examination shall be based upon an appraisal of teaching  
2    experience, classroom observation, an oral interview and a physical  
3    and medical examination. The board of examiners shall establish  
4    the passing mark for such examination; it shall also require reason-  
5    able proof of satisfactoriness of record, including moral character  
6    and fitness, as a condition precedent to the issuance of regular  
7    teacher's licenses.

8    3. Regular licenses shall be issued hereunder prior to July first,  
9    nineteen hundred seventy, on condition that the academic and pro-  
10    fessional requirements for the licenses in effect on July first, nine-  
11    teen hundred sixty-seven shall be satisfied in full by the holders  
12    thereof on or before July first, nineteen hundred seventy; and upon  
13    failure of the holders of such regular license to satisfy these require-  
14    ments by such date, the licenses shall terminate.

15   4. The board of examiners shall promulgate an eligible list for  
16   each license containing the names of applicants who have complied  
17   with the provisions of this section. Each such eligible list, upon  
18   promulgation, shall follow the lists for the same licenses which are  
19   in effect at the time of such promulgation and each such list promul-  
20   gated under this section shall have precedence over lists for the  
21   same license subsequently promulgated by the board of examiners.

22   5. Applicants appointed to regular teaching positions pursuant  
23   to this section prior to July first, nineteen hundred seventy shall be  
24   eligible to purchase credit for prior service in the retirement system  
25   established for teachers in the city. Applicants hereunder shall  
26   accept employment under a three-year probationary period which  
27   shall not be reduced by reason of any prior substitute service.

1 6. The provisions of subdivisions one to four, inclusive, of this  
 2 section shall cease to be in effect on July first, nineteen hundred  
 3 seventy. Any eligible list established pursuant to such subdivision  
 4 four shall expire on July first, nineteen hundred seventy.

5 § 2590-dd. Temporary commission on transition. 1. (a) There  
 6 is hereby established a temporary commission on transition which  
 7 shall consist of three members. One of such members shall be  
 8 appointed by the commissioner of education, one by the mayor, and  
 9 one by the board of education. The members shall hold office up to  
 10 and including June thirtieth, nineteen hundred seventy-one. The  
 11 appointment of such members shall be completed within fifteen  
 12 days after the effective date of this section.

13 (b) Any vacancy in any such office shall be filled in the manner  
 14 herein prescribed for original appointment to such office. A member  
 15 may be removed by the appointing authority for cause, after a  
 16 hearing.

17 (c) The members of the commission shall serve without compen-  
 18 sation.

19 (d) The commission shall designate one of its members as  
 20 chairman.

21 2. The commission shall employ a full-time executive director,  
 22 who shall receive a salary fixed by the mayor, and who shall direct  
 23 and manage the activities of the commission.

24 3. The commissioner of education and the board of education  
 25 may temporarily assign personnel under their respective jurisdic-  
 26 tions to the commission. The mayor may so assign employees of  
 27 any agency the head of which is appointed by him. Any employees

1 so assigned shall be deemed to be continued in the employment held  
2 by them immediately prior to such assignment and shall not thereby  
3 suffer any loss or impairment of rights to compensation, tenure or  
4 seniority or retirement system rights.

5 4. The commission shall:

6 (a) formulate, subject to review and approval by the commis-  
7 sioner of education, and submit to the community boards and the  
8 central board:

9 (1) plans for the staffing of the central board and the community  
10 boards;

11 (2) budget, accounting, payroll and auditing systems for such  
12 boards;

13 (3) proposals for an allocation formula to be employed pursuant  
14 to section twenty-five hundred ninety-p of this chapter;

15 (4) such other plans, systems, programs and steps, the adoption  
16 of which by the community boards and the central board, is, in  
17 the judgment of the commission, necessary for an orderly and  
18 efficient commencement of the operation of the decentralized  
19 school system;

20 (5) proposed by-laws, rules and regulations to be adopted by  
21 such boards, governing the conduct of their business, recruitment  
22 of personnel and personnel administration and other matters  
23 which may be appropriately regulated by such promulgations under  
24 the provisions of this article;

25 (b) conduct programs for the training of members of community  
26 boards and personnel employed by such boards and the central  
27 board, in the performance of their duties; and

1     (c) recommend to the board of education such action to be taken  
2     by such board as the commission deems necessary or appropriate  
3     to facilitate the transition to a community school system.

4     5. The commission shall supervise elections held to select members  
5     of community boards.

6     6. (a) The commission, upon satisfying itself that a community  
7     board is so organized and prepared as to be capable of exercising  
8     or performing some, but not all of the functions, powers or duties  
9     which may be performed or exercised by a community board under  
10    this article, may recommend to the central board that a certificate  
11    of partial authority be issued by the central board to such board,  
12    empowering the community board to exercise or perform such of  
13    the functions, powers and duties above mentioned as are specified  
14    in such recommendation. Upon issuance of a certificate of partial  
15    authority by the central board, in accordance with such recom-  
16    mendation, the community board shall have power to exercise or  
17    perform the functions, powers and duties therein specified;  
18    provided that no such certificate shall authorize any community  
19    board, prior to July first, nineteen hundred seventy, to perform  
20    the duties specified in paragraphs a, b, c, e, f and h of subdivision  
21    one of section twenty-five hundred ninety-f of this chapter.

22    (b) The commission, upon satisfying itself that a community  
23    board is so organized and prepared as to be capable of exercising  
24    all functions, powers and duties conferred upon a community board  
25    by this article, may recommend to the central board that it issue  
26    a certificate of full authority to such community board. Such a  
27    certificate issued by the central board in accordance with such

1 recommendation shall take effect no earlier than July first, nine-  
2 teen hundred seventy and shall authorize the community board, on  
3 and after the effective date of such certificate, to exercise or perform  
4 all functions, powers and duties conferred upon a community board  
5 by this article.

6 7. The commission may at any time recommend to the central  
7 board that it order a community board having power to do so  
8 under a certificate issued pursuant to subdivision six of this section,  
9 to take action effectuating any plan, system, program or step  
10 mentioned in subparagraphs one, two and four of paragraph a of  
11 subdivision four of this section, or to adopt any by-law, rule or  
12 regulation mentioned in subparagraph five of such paragraph a.  
13 Notwithstanding any other provision of this article, any order  
14 issued by the central board to carry out such a recommendation  
15 shall be complied with by the community board to which it is  
16 directed, subject to the right of appeal to the commissioner of  
17 education provided for by section twenty-five hundred ninety-ee  
18 of this chapter.

19 8. If the central board shall refuse or fail to follow any recom-  
20 mendation of the commission made pursuant to subdivision six, or  
21 seven of this section, the commission may appeal such refusal or  
22 failure to the commissioner of education, who shall render such  
23 ruling thereon as he may deem necessary for the effectuation of the  
24 purposes of this article.

25 9. Notwithstanding any other provision of this article to the  
26 contrary, in the event that any community board, on or after  
27 July first, nineteen hundred seventy, does not possess a certificate



1 of full authority, the central board shall perform or exercise, in  
2 behalf of such community board, all functions, powers and duties  
3 which would be performed or exercised by such community board  
4 under a certificate of full authority (other than functions, powers  
5 and duties as to which such community board possess a certificate  
6 of partial authority) until such time as the central board shall  
7 issue a certificate of full authority to such community board under  
8 subdivision six of this section.

9 10. Prior to the termination of the existence of the commission  
10 hereunder, it shall prepare and file with the legislature, the com-  
11 missioner of education, the mayor and each community board, a  
12 report on the activities of the commission, together with its recom-  
13 mendations as to steps which may be taken to improve and  
14 strengthen the operation of a decentralized school system in the  
15 city, including its recommendations as to decentralization of the  
16 operation of high schools.

17 11. Upon the termination of the existence of the commission,  
18 the central board shall have power at any time to review and to  
19 amend, modify or rescind in whole or in part any order issued by  
20 such board, on the recommendation of the commission, pursuant to  
21 subdivision seven of this section.

22 12. The mayor shall annually submit to the governor, on or  
23 before October fifteenth of each year, a request for an appropriation  
24 from the state treasury to defray the reasonable and necessary  
25 expenses of the transition commission, during the next ensuing  
26 fiscal year of the state, for personal service and for maintenance and  
27 operation with respect to the performance of the functions of the

1 commission. Such request shall be in such form and detail as the  
 2 governor may prescribe. The expenses of the commission shall  
 3 be paid from appropriations from the state treasury in the manner  
 4 herein prescribed. Moneys appropriated for the use of the com-  
 5 mission shall be paid out of the state treasury on the certificate  
 6 of the chairman of the commission or of an officer or employee  
 7 thereof designated by the chairman, after audit by and on the  
 8 warrant of the comptroller.

9 § 2590-ee. Powers of commissioner of education. 1. Disputes  
 10 between a community board and the central board, including, but  
 11 not limited to any such disputes arising under paragraph b of  
 12 subdivision two of this section, and disputes between a community  
 13 board and the transition commission, including, but not limited to a  
 14 refusal by the transition commission to recommend issuance of a  
 15 certificate under subdivision six of this section, may be brought by  
 16 either party before the commissioner of education for resolution.

17 2. (a) The commissioner may order a community board or the  
 18 central board to act or refrain from acting where such an order is,  
 19 in his judgment, necessary for the maintenance of sound education.

20 (b) Such authority, so far as it relates to community boards,  
 21 may be delegated by the commissioner to the central board, but  
 22 only subject to specific guidelines for its exercise.

23 3. In emergency situations, the commissioner may declare a com-  
 24 munity school district, or a group of schools within such district,  
 25 to be in a trusteeship under his direct supervision or under the  
 26 supervision of a delegate designated by him. The powers and  
 27 authority of the community board which would otherwise have

1 *jurisdiction over such district or schools shall thereby be suspended*  
2 *with respect to such district or schools, as the case may be, and*  
3 *the commissioner or his delegate shall have all jurisdiction and*  
4 *powers otherwise exerciseable by the community board in relation*  
5 *to such district or schools.*

6 4. *The decision of the commissioner of education on any appeal*  
7 *or proceeding pursuant to this section shall be final and conclusive,*  
8 *and shall not be subject to question or review in any place or court*  
9 *whatever.*

10 5. *Nothing contained in this article shall be construed as limiting*  
11 *or restricting the powers and jurisdiction of the commissioner of*  
12 *education under section three hundred ten of this chapter.*

13 § 2590-ff. *State aid for city school district of the city. The appor-*  
14 *tionment payable to the city pursuant to section thirty-six hundred*  
15 *two of the education law shall be governed by the provisions of*  
16 *such section as modified by the following:*

17 1. *The city school district of the city shall be permitted to use*  
18 *either the resident weighted average daily attendance of the city*  
19 *school district of the city computed in accordance with the provi-*  
20 *sions of subdivision two of section three thousand six hundred two*  
21 *of the education law on a city-wide school district basis or the resi-*  
22 *dent weighted average daily attendance of each school borough of*  
23 *such city as if each such borough were a separate city school district.*  
24 *In computing the resident weighted average daily attendance of each*  
25 *such borough, all pupils attending schools in such borough shall be*  
26 *deemed to reside in such borough.*

1    2. Insofar as the aid ratio is to be used for the computation of  
2 the apportionment for operating expense and the size correction  
3 apportionment, such city school district shall be permitted to use  
4 either the aid ratio of such city school district computed as pro-  
5 vided in subdivision three of such section on a city-wide school  
6 district basis or the aid ratio computed as provided in subdivision  
7 three of such section for each borough of such city as if each such  
8 borough were a separate city school district.

9    3. Such city school district shall be permitted to use either the  
10 growth index computed as provided in subdivision four of such  
11 section on a city-wide school district basis or the growth index  
12 computed as provided in subdivision four of such section for each  
13 borough of such city as if each such borough were a separate city  
14 school district.

15    4. In computing the apportionment for operating expense to the  
16 city school district of the city, such city school district shall be per-  
17 mitted to elect to receive the apportionment for operating expense  
18 computed in accordance with the provisions of subdivision five of  
19 such section on a city-wide school district basis, using the aid ratio  
20 and growth index computed on such basis, or to receive the  
21 sum of the apportionments for operating expense computed as pro-  
22 vided in subdivision five of such section for each borough of such  
23 city, as if each such borough were a separate city school district.  
24 If such city school district elects to receive the sum of the apportion-  
25 ments for operating expense for each such borough, as if such  
26 borough were a separate city school district, such city school district  
27 shall file with respect to each borough, the report required by para-

1 graph a of such subdivision with respect to such city school dis-  
2 trict's total expenditures from its general fund and from its capital  
3 fund during the base year as approved by the commissioner and in  
4 accordance with the classification of expenditures in use by the  
5 commissioner for the reporting by school districts of receipts,  
6 expenditures and other financial data. The amount included in  
7 such report for general overhead and administration in each borough  
8 shall be such proportion of the amount expended for general over-  
9 head and administration for the entire city-wide school district as  
10 the weighted average daily attendance of such borough, computed  
11 on a borough basis, bears to the weighted average daily attendance  
12 of the city-wide school district of such city.

13 5. In computing the apportionment for size correction to the city  
14 school district of the city, such city school district shall be permitted  
15 to elect to receive the apportionment for size correction computed  
16 in accordance with the provisions of paragraph c of subdivision  
17 eight of such section as modified by this section twenty-five hundred  
18 ninety-ff on a city-wide school district basis, or to receive the size  
19 correction apportionment computed in accordance with the provi-  
20 sions of paragraph c of subdivision eight of such section as modi-  
21 fied by this section twenty-five hundred ninety-ff for each borough  
22 of such city, taken as if each such borough were a separate city  
23 school district.

24 6. The provisions of this section twenty-five hundred ninety-ff  
25 shall apply to apportionments payable in the school year commenc-  
26 ing July first, nineteen hundred sixty-seven and in each school  
27 year thereafter; provided, however, that such provisions shall not



1 apply to apportionments payable pursuant to section three thousand  
2 six hundred two of this chapter on or before January fifteenth,  
3 nineteen hundred sixty-eight.

4 § 2590-gg. Continuity of powers, duties, rights and liabilities.

5 1. All powers, duties and functions of the board of education  
6 which are assigned by the provisions of this chapter to any com-  
7 munity board or the central board shall, on and after July first,  
8 nineteen hundred seventy, be exercised or performed by such com-  
9 munity board or the central board, as the case may be, in continua-  
10 tion of the exercise or performance of such powers, duties and func-  
11 tions by the board of education.

12 2. (a) Upon the termination of the existence of the board of edu-  
13 cation under the provisions of section twenty-five hundred ninety-g  
14 of this chapter, all then existing rights, privileges, obligations, lia-  
15 bilities, claims and causes of action in favor of or against such  
16 board shall devolve upon and be assumed by the central board;  
17 provided that nothing contained in this paragraph shall be con-  
18 strued as impairing, diminishing or affecting the functions, powers  
19 and duties vested in community boards by this chapter.

20 (b) Upon such termination, any provision in any law, rule, regu-  
21 lation, contract, grant or other document relating to any such rights,  
22 privileges obligations, liabilities, claims or causes of action and  
23 applicable to the board of education shall, so far as not inconsistent  
24 with the provisions of this chapter, apply to the central board. The  
25 central board shall have power, so far as not inconsistent with the  
26 provisions of this chapter, to continue any business, proceeding or  
27 other matter commenced by the board of education prior to its  
28 termination.

1    § 2590-hh. *Pending actions and proceedings.* 1. *No action or*  
 2 *proceeding, civil or criminal, brought by or against the board of*  
 3 *education and pending at the time of the termination of the exist-*  
 4 *ence of such board under the provisions of section twenty-five hun-*  
 5 *dred ninety-g of this chapter, shall be affected or abated by the*  
 6 *enactment of the act adding this article to this chapter or by any-*  
 7 *thing contained in such act. All such actions or proceedings may be*  
 8 *continued by or against the central board and may be prosecuted*  
 9 *or defended by such board.*

10    2. *Any disciplinary proceedings against any officer or employee*  
 11 *of the board of education pending at the time of the termination of*  
 12 *such board may be continued and completed by the central board*  
 13 *in the same manner and subject to the same laws, by-laws, rules and*  
 14 *regulations and rights of appeal and review as would be applicable*  
 15 *if this article had not been enacted.*

16    § 2590-ii. *Short title.* *This article shall be known and may be*  
 17 *cited as the New York city community school system law.*

18    § 2. The article heading of article fifty-two of such law, such  
 19 article having been renumbered and such article heading having  
 20 been amended by chapter seven hundred sixty-two of the laws of  
 21 nineteen hundred fifty, is hereby amended to read as follows:

22            CITY SCHOOL DISTRICTS OF CITIES WITH  
 23            ONE HUNDRED TWENTY-FIVE THOUSAND *BUT*  
 24            *LESS THAN ONE MILLION* INHABITANTS  
 25            **[OR MORE]**

26    § 3. Section twenty-five hundred fifty of such law, as added by  
 27 chapter seven hundred sixty-two of the laws of nineteen hundred  
 28 fifty, is hereby amended to read as follows:

1    § 2550. Application of article. This article shall apply to the  
 2 city school districts of the following cities only: **[New York,]**  
 3 Buffalo, Rochester, Syracuse, Yonkers and Albany.

4    § 4. Section twenty-five hundred fifty-one of such law, such  
 5 section having been renumbered and last amended by chapter  
 6 seven hundred sixty-two of the laws of nineteen hundred fifty, is  
 7 hereby amended to read as follows:

8    § 2551. Board of education corporate body. The board of educa-  
 9 tion of each school district of a city with one hundred twenty-five  
 10 thousand *but less than one million* inhabitants **[or more]** according  
 11 to the latest federal census is hereby continued as a body corporate.

12    § 5. Section twenty-five hundred fifty-two of such law, as last  
 13 amended by chapter two hundred eighty-one of the laws of nineteen  
 14 hundred sixty-two, is hereby amended to read as follows:

15    § 2552. Board of education. The board of education of each  
 16 such city school district is hereby continued. The educational  
 17 affairs in each such city school district shall be under the general  
 18 management and control of a board of education to consist of not  
 19 less than three and not more than nine members, to be chosen as  
 20 hereinafter provided, and to be known as members of the board  
 21 of education. The number of members on the board of education  
 22 of each such city school district shall continue to be as follows:

23    **[a.** City school district of the city of New York: nine members.]

24    **[b]** *a.* City school district of the city of Buffalo: seven members.

25    **[c]** *b.* City school district of the city of Rochester: five members.

26    **[d]** *c.* City school district of the city of Syracuse: seven members.

27    **[e]** *d.* City school district of the city of Yonkers: nine members.

28    **[f]** *e.* City school district of the city of Albany: three members.

1    § 6. Subdivision one of section twenty-five hundred fifty-three  
2 of such law, as last amended by chapter nine hundred seventy-one  
3 of the laws of nineteen hundred sixty-one, is hereby amended to  
4 read as follows:

5    1. No person shall be eligible to the office of member of a board  
6 of education who is not a citizen of the United States and who  
7 in the case of the city school districts of the cities of Buffalo,  
8 Rochester, Syracuse, Yonkers and Albany, has not been a resident  
9 of the city school district for which he is chosen for a period of  
10 at least three years immediately preceding the date of his election  
11 or appointment and who, in the case of the city school district of  
12 the city of New York, is not a resident thereof on the date of his  
13 appointment.

14    § 7. Subdivision five of section twenty-five hundred fifty-three  
15 of such law, as renumbered and last amended by chapter seven  
16 hundred sixty-two of the laws of nineteen hundred fifty, is hereby  
17 amended to read as follows:

18    5. In the city school districts of the following cities, the terms  
19 of such members shall be as follows:

20    [a. New York: seven years;]

21    [b] a. Buffalo: five years;

22    [c] b. Rochester: four years;

23    [d] c. Syracuse: four years;

24    [e] d. Yonkers: five years;

25    [f] e. Albany: six years.

26    § 8. Subdivision six of section twenty-five hundred fifty-three  
27 of such law, as renumbered and last amended by chapter seven

1 hundred sixty-two of the laws of nineteen hundred fifty, is hereby  
2 amended to read as follows:

3 6. The term of one-fifth of all the members of a board of educa-  
4 tion, or of a fraction as close to one-fifth thereof as possible, shall  
5 expire annually on the first Tuesday in May, except in the city  
6 school districts of the cities of Rochester[,] and Syracuse [and  
7 New York].

8 § 9. Subdivision sixteen-a of section twenty-five hundred fifty-  
9 four of such law, as added by chapter six hundred twenty-six of  
10 the laws of nineteen hundred sixty-one, is hereby amended to read  
11 as follows:

12 16-a. In its discretion, to provide under a group insurance policy  
13 or policies issued by any insurance company or insurance companies  
14 authorized to do business in this state or under a group contract  
15 issued by one or more corporations subject to article nine-c of the  
16 insurance law, life insurance or accident and health insurance  
17 benefits or medical and surgical benefits or hospital service benefits  
18 or any two or more of such kinds of benefits to teachers and other  
19 employees of the school district who participate in a plan or plans,  
20 as hereinafter provided. The disbursing officer of the school district  
21 is authorized to deduct from the salary of such participant with  
22 his prior consent, in writing, the sums representing the participant's  
23 share of the premium or premiums which are payable by such  
24 officer to such insurance company or corporation. Such board of  
25 education is authorized to pay from such moneys as are available  
26 for the purpose, a share of the cost of such benefit or benefits in  
27 such amount as is required to be paid under such group insurance



1 policy or policies or group contract or contracts by the board of  
2 education, as employer. The sum to be paid by the board of educa-  
3 tion under such policy or policies or contract or contracts, in the  
4 discretion of such board may be any percentage of the total cost of  
5 the benefit or benefits including the whole thereof.

6 **【Notwithstanding any provisions of this chapter, subdivision**  
7 **thirty-one-a of section one thousand six hundred four, subdivision**  
8 **thirty-four-a of section one thousand seven hundred nine and sub-**  
9 **division ten-a of section two thousand five hundred three of the**  
10 **education law and this subdivision shall not apply to a city having**  
11 **a population of one million or more inhabitants.】**

12 § 10. Subdivision three of section twenty-five hundred seventy-  
13 three of such law, such section having been renumbered by chapter  
14 seven hundred sixty-two of the laws of nineteen hundred fifty,  
15 is hereby amended to read as follows:

16 3. Associate superintendents, examiners and all other employees  
17 authorized by section twenty-five hundred four of this article,  
18 except as otherwise provided in subdivision one of this section,  
19 shall be appointed by the board of education. **【In a city having a**  
20 **population of one million or more, such appointments shall be**  
21 **made on nomination of the superintendent of schools.**

22 Notwithstanding any other provision in this chapter to the con-  
23 trary, whenever an associate superintendent of schools in the employ  
24 of the board of education in a city having a population of one  
25 million or more fails of reappointment, said person shall be immedi-  
26 ately appointed an assistant superintendent of schools with per-  
27 manent appointment as said term permanent appoint is defined

1 in subdivisions four, five and six of this section. The salary of such  
2 assistant superintendent shall be less than the salary of an associate  
3 superintendent, but said differential in salary shall not exceed ten  
4 per centum of the annual salary of an associate superintendent of  
5 schools. When, however, an associate superintendent of schools  
6 who fails of reappointment has to his credit thirty or more years of  
7 city service including ten or more years of service as such associate  
8 superintendent of schools, he shall suffer no reduction of salary or  
9 of pension prospects while serving as such assistant superintendent  
10 of schools.]

11 § 11. Subdivision ten of section twenty-five hundred seventy-  
12 three of such law, such subdivision having been separately and last  
13 amended by chapters seventy-three, four hundred forty-five, four  
14 hundred eighty-two and seven hundred sixty-four of the laws of  
15 nineteen hundred sixty-seven, is hereby amended to read as follows:

16 10. [In a city having a population of one million or more, recom-  
17 mendations for appointment to the teaching and supervising service,  
18 except for the position of superintendent of schools, associate super-  
19 intendent or assistant superintendent, or director of a special branch,  
20 principal of or teacher in a training school, or principal of a high  
21 school, or assistant administrative director, shall be from the first  
22 three persons on appropriate eligible lists prepared by the board  
23 of examiners.] In a city having a population of four hundred  
24 thousand and less than one million it shall be the duty of the super-  
25 intendent of schools, at the direction of the board of education, to  
26 hold examinations whenever necessary, to examine all applicants  
27 who are required to have their names placed upon eligible lists for

1 appointment in the schools of such cities and to prepare all necessary  
2 eligible lists. Eligible lists shall not be merged and one eligible  
3 list shall be exhausted before nominations are made from a list  
4 of subsequent date. No eligible list except principals' eligible list  
5 shall remain in force for a longer period than four years, no eligi-  
6 ble list now in force shall terminate until four years from the date  
7 on which it was promulgated, except that the eligible list for assist-  
8 ant director of audio visual instruction, promulgated on February  
9 first, nineteen hundred sixty-two shall be extended until February  
10 first, nineteen hundred sixty-eight and except that the eligible list  
11 for supervisor of school library service, promulgated on April tenth,  
12 nineteen hundred sixty-three shall be extended until April tenth,  
13 nineteen hundred sixty-eight and that the eligible list for teacher  
14 of Hebrew in day high schools, promulgated on January ninth, nine-  
15 teen hundred sixty-three shall be extended until January ninth,  
16 nineteen hundred sixty-nine and that the eligible list for assistant  
17 director of the Bureau for the Education of the Physically Handi-  
18 capped (other than visually or acoustically) promulgated on No-  
19 vember twenty-eighth, nineteen hundred sixty-two shall be extended  
20 until November twenty-eight, nineteen hundred sixty-eight and  
21 that the eligible list for supervisor of art in public schools promul-  
22 gated on October first, nineteen hundred sixty-three shall be  
23 extended until October first, nineteen hundred sixty-eight and that  
24 the eligible list for teacher of Orchestral Music in day high schools,  
25 promulgated on January thirty-first, nineteen hundred sixty-four  
26 shall be extended until January thirty-first nineteen hundred sixty-  
27 nine and that the eligible list for teacher of music in the day high

1 schools, promulgated on January thirty-first, nineteen hundred  
2 sixty-four shall be extended until January thirty-first, nineteen  
3 hundred sixty-nine. Recommendations for appointment to the  
4 teaching and supervising service except for the position of super-  
5 intendent of schools, associate superintendent or district superin-  
6 tendent, or director of a special branch, principal of or teacher in  
7 a training school, or principal of a high school, or assistant admin-  
8 istrative director, shall be from the first three persons on an appro-  
9 priate eligible list so prepared. The board of education, on the  
10 recommendation of the superintendent of schools shall designate,  
11 subject to the other provisions of this chapter, the kind and grades  
12 of licenses which shall be required for service as principal, branch  
13 principal, director, assistant examiner in the board of examiners,  
14 supervisors or teacher of a special branch, head of department,  
15 assistant, school psychiatrist, school psychologist, school medical  
16 inspector, school aurist, school psychiatric social worker, school  
17 social case worker, research assistant, teacher-clerk, school clerk,  
18 school secretary, clerical assistant, industrial or trade helper in  
19 vocational schools, school librarian, laboratory assistant, placement  
20 and investigation assistant, financial assistant, machine shop assist-  
21 ant, tool boy, or any other position of the teaching staff together  
22 with the academic and professional qualifications required for  
23 each kind or grade of license. No person required to have a license  
24 under the provisions of this chapter in order to be employed in a  
25 position who does not have such license shall have any claim for  
26 salary, except that a person who has been assigned to teach in a  
27 subject or field not specifically covered in his license but on the  
same rank or level of service shall be entitled to his salary.

1 § 12. Subdivision one of section twenty-five hundred seventy-five  
2 of such law, having been last amended by chapter five hundred  
3 seventy-six of the laws of nineteen hundred sixty-four, is hereby  
4 amended to read as follows:

5 1. The board of education of a city school district of a city hav-  
6 ing a population of one hundred thousand or more shall have power  
7 to establish a retirement system for all civil employees permanently  
8 employed by said board other than superintendents and teachers  
9 who may now be retired under the provisions of other retirement  
10 laws. In any such city in which there is a bureau of compulsory  
11 education, school census, and child welfare established under the  
12 provisions of this chapter, all persons of which such a bureau of  
13 compulsory education, school census, and child welfare consists  
14 shall be members of the retirement system created in accordance  
15 with the provisions of this section, provided that any such person  
16 who on May fourth, nineteen hundred twenty-six, was a member  
17 of another retirement system in such city may continue such mem-  
18 bership so long as he or she holds an office or position in such  
19 bureau. Transfer of membership of any such persons from another  
20 retirement system to a retirement system as herein provided shall  
21 be made in accordance with the provisions of section fifty-nine of  
22 the civil service law. The board of education of such city shall  
23 adopt appropriate rules and regulations for the government, man-  
24 agement and control of the retirement of said employees. Before  
25 they become effective such rules and regulations must be approved  
26 by the board of estimate, or the board of estimate and apportion-  
27 ment in a city having such body, and in a city not having such



1 body by the common council or such other officers or bodies as have  
2 the management and control of financial affairs similar to that  
3 exercised by such board of estimate or board of estimate and appor-  
4 tionment. The board of estimate or the board of estimate and  
5 apportionment in a city having such body, and in other cities the  
6 officers or bodies performing the functions similar to those of a  
7 board of estimate or a board of estimate and apportionment shall  
8 appropriate annually the sum necessary to pay the expenses of the  
9 administration of this section, [except that in the city of New  
10 York such appropriations shall be made pursuant to chapter six  
11 of the New York city charter,] and also to pay such pensions to  
12 the employees herein described as they shall be entitled to receive  
13 annually under the rules and regulations prescribed by the board  
14 of education and approved by the said board of estimate or board  
15 of estimate and apportionment or other authorities. The rules  
16 and regulations prescribed by the board of education and approved  
17 by the board of estimate or the board of estimate and appor-  
18 tionment or other authorities named herein shall provide for the annual  
19 payment of a pension which shall be a per centum of the average  
20 annual personal compensation of an employee for the five years of  
21 service immediately preceding his retirement.

22 § 13. Paragraph b of subdivision one of section twenty-five hun-  
23 dred seventy-six of such law, such section having been renumbered  
24 by chapter seven hundred sixty-two of the laws of nineteen hundred  
25 fifty, is hereby amended to read as follows:

26 b. The other necessary incidental and contingent expenses, includ-  
27 ing ordinary repairs to buildings and the purchase of fuel and

1 light, supplies, textbooks, school apparatus, books, furniture and  
2 fixtures and other articles and service necessary for the proper--  
3 maintenance, operation and support of the schools, libraries and  
4 other educational, social or recreational affairs and interests under  
5 its management and direction. [The provisions of this section  
6 in regard to the purchase of light shall not apply to a city having  
7 a population of one million or more.]

8 § 14. Subdivision two of section twenty-five hundred fifty-three  
9 of such law, such subdivision having been last amended by chapter  
10 nine hundred seventy-one of the laws of nineteen hundred sixty-  
11 one, subdivisions three, five, six, eight, fourteen, seventeen and  
12 twenty-one of section twenty-five hundred fifty-four of such law,  
13 and paragraph b of subdivision thirteen and paragraphs b, d and e  
14 of subdivision fifteen of such section twenty-five hundred fifty-  
15 four, such section having been renumbered by chapter seven hun-  
16 dred sixty-two of the laws of nineteen hundred fifty, such subdi-  
17 visions three, five and eight having been last amended by chapter  
18 five hundred seventy-six of the laws of nineteen hundred sixty-  
19 four, such subdivision thirteen having been last amended by chap-  
20 ter six hundred fourteen of the laws of nineteen hundred sixty-two  
21 and paragraph e of such subdivision fifteen having been added by  
22 chapter five hundred fifty-six of the laws of nineteen hundred fifty-  
23 six, section twenty-five hundred fifty-four-b of the education law,  
24 such section having been added by chapter nine hundred seventy-  
25 one of the laws of nineteen hundred sixty-one and renumbered by  
26 chapter eight hundred ninety-two of the laws of nineteen hundred  
27 sixty-five, subdivisions five, seven, eight, ten-a, eleven, twelve,

1 and thirteen of section twenty-five hundred fifty-six of the educa-  
2 tion law, such section having been renumbered by chapter seven  
3 hundred sixty-two of the laws of nineteen hundred fifty, such sub-  
4 division eight having been last amended by chapter seven hundred  
5 sixty-four of the laws of nineteen hundred fifty, such subdivision  
6 ten-a having been last amended by chapter seven hundred thirty-  
7 eight of the laws of nineteen hundred sixty-seven, such subdivi-  
8 sion twelve having been added by chapter two hundred forty-five  
9 of the laws of nineteen hundred fifty-five, and such subdivision  
10 thirteen having been added by chapter six hundred fifty-one of  
11 the laws of nineteen hundred sixty-four, sections twenty-five hun-  
12 dred sixty and twenty-five hundred sixty-one of such law, such  
13 sections having been renumbered by chapter seven hundred sixty-  
14 two of the laws of nineteen hundred fifty, section twenty-five hun-  
15 dred sixty-four of such law, such section having been added by  
16 chapter six hundred fifteen of the laws of nineteen hundred sixty-  
17 two, subdivision three of section twenty-five hundred sixty-six of  
18 such law, such subdivision having been added by chapter six hun-  
19 dred fourteen of the laws of nineteen hundred sixty-two, sections  
20 twenty-five hundred sixty-seven and twenty-five hundred sixty-eight  
21 of such law, such sections having been renumbered by chapter  
22 seven hundred sixty-two of the laws of nineteen hundred fifty,  
23 section twenty-five hundred sixty-nine of such law, as last amended  
24 by chapter seven hundred sixty-three of the laws of nineteen hun-  
25 dred sixty-seven, section twenty-five hundred seventy of such law,  
26 as last amended by chapter six hundred seventy-four of the laws  
27 of nineteen hundred sixty-two, subdivisions seven, eleven, thirteen,

1 fourteen and sixteen of section twenty-five hundred seventy-three  
2 of such law, such section having been renumbered by chapter seven  
3 hundred sixty-two of the laws of nineteen hundred fifty, such sub-  
4 division seven having been last amended by chapter two hundred  
5 seventy-two of the laws of nineteen hundred sixty-six, such sub-  
6 division eleven having been last amended by chapter seven hun-  
7 dred fifty-eight of the laws of nineteen hundred forty-nine, such  
8 subdivision fourteen having been last amended by chapter three  
9 hundred ninety-seven of the laws of nineteen hundred sixty-six,  
10 and such subdivision sixteen having been added by chapter eight  
11 hundred ninety-eight of the laws of nineteen hundred sixty, sec-  
12 tion twenty-five hundred seventy-four of such law, such section  
13 having been renumbered by chapter seven hundred sixty-two of  
14 the laws of nineteen hundred fifty, subdivisions two, three, four,  
15 five, six, seven, eight and nine of section twenty-five hundred  
16 seventy-five of such law, such subdivision three having been added  
17 by chapter five hundred eight of the laws of nineteen hundred  
18 sixty, such subdivision four having been added by chapter seven  
19 hundred eighty-nine of the laws of nineteen hundred sixty-two,  
20 such subdivision five having been added by chapter five hundred  
21 seventeen of the laws of nineteen hundred sixty-three, such sub-  
22 division six having been added by chapter six hundred thirty-five  
23 of the laws of nineteen hundred sixty-four, such subdivision seven  
24 having been added by chapter three hundred eighty-two of the  
25 laws of nineteen hundred sixty-five, such subdivision eight having  
26 been added by chapter six hundred eleven of the laws of nineteen  
27 hundred sixty-six and such subdivision nine having been added by

1 chapter three hundred seventy-nine of the laws of nineteen hun-  
2 dred sixty-seven, section twenty-five hundred seventy five-a of  
3 such law, as last amended by chapter six hundred sixty-six of  
4 the laws of nineteen hundred sixty-three, subdivision five of section  
5 twenty-five hundred seventy-six of such law, such subdivision  
6 having been last amended by chapter five hundred seventy-six of  
7 the laws of nineteen hundred sixty-four, subdivision three of sec-  
8 tion twenty-five hundred seventy-nine of such law, as last amended  
9 by chapter five hundred seventy-six of the laws of nineteen hun-  
10 dred sixty-four, section twenty-five hundred eighty-one of such  
11 law, as last amended by chapter five hundred eighty-five of the  
12 laws of nineteen hundred sixty-six, section twenty-five hundred  
13 eighty-two of such law, as renumbered by chapter seven hundred  
14 sixty-two of the laws of nineteen hundred fifty, section twenty-five  
15 hundred eighty-three of such law, as last amended by chapter five  
16 hundred seventy-six of the laws of nineteen hundred sixty-four,  
17 subdivision four of section twenty-five hundred eighty-five of such  
18 law, such section having been renumbered by chapter seven hundred  
19 sixty-two of the laws of nineteen hundred fifty, section twenty-five  
20 hundred eighty-six of such law, such section having been renum-  
21 bered by chapter seven hundred sixty-two of the laws of nineteen  
22 fifty, and section twenty-five hundred eighty-seven of such law,  
23 as added by chapter four hundred twenty-nine of the laws of nine-  
24 teen hundred fifty-seven are hereby repealed.

25 § 14-a. Section twenty-five hundred sixty-nine-a of such law,  
26 as last amended by chapter eight hundred ten of the laws of nine-  
27 teen hundred sixty-seven, is hereby repealed.



1    § 15. The board of examiners and the positions of members of  
2 such board established by section twenty-five hundred sixty-nine of  
3 such law, as in effect prior to July first, nineteen hundred seventy,  
4 shall cease to exist on such date. All eligible lists established by  
5 such board and in existence immediately prior to such date shall  
6 terminate on such date.

7    § 16. The bureau of compulsory education, school census and  
8 child welfare established by section twenty-five hundred seventy  
9 of such law, as in effect prior to July first, nineteen hundred  
10 seventy, shall cease to exist on such date and the positions of  
11 director, assistant director, chief attendance officer and division  
12 supervising attendance officer in such bureau shall terminate on  
13 such date.

14    § 16-a. Members of the board of examiners referred to in section  
15 fifteen of his act, who hold such position of member with tenure  
16 on June thirtieth, nineteen hundred seventy, and any persons who  
17 on such date, hold positions, with tenure, as director of the bureau  
18 of compulsory education, school census and child welfare referred  
19 to in section sixteen of this act, or assistant director, chief attend-  
20 ance officer or division supervising attendance officer in such  
21 bureau, and who, on or before June thirtieth, nineteen hun-  
22 dred seventy, have not been appointed, transferred or assigned  
23 to a position with a community board of education or the  
24 central board of education of the city of New York, shall be trans-  
25 ferred, as of July first, nineteen hundred seventy, to positions with  
26 such central board in accordance with the provisions of paragraphs  
27 a and b of subdivision seven of section twenty-five hundred ninety-l

1 of such law, as added by this act, with the same rights as to salary,  
2 rank, continuation of tenure and seniority, vacation and sick leave  
3 credit as are conferred by such subdivision seven on other persons  
4 transferred pursuant thereto.

5 § 17. (a) Notwithstanding any other provision of law to the  
6 contrary, the superintendent of schools of the board of education of  
7 the city of New York holding such office on June thirtieth, nineteen  
8 hundred seventy pursuant to section twenty-five hundred sixty-five  
9 of such law, as in effect on such date, is hereby continued in office  
10 as city superintendent of schools of the central board of education  
11 of the city of New York, for a term which shall end on the date  
12 of expiration of the term for which he was chosen as superintendent  
13 of schools of the board of education under such section; provided,  
14 however, that such superintendent, while serving as city superin-  
15 tendent of schools pursuant to this paragraph a, shall be subject  
16 to removal for cause in the manner in which a city superintendent  
17 of schools may be removed by such central board.

18 (b) Prior to July first, nineteen hundred seventy, the superin-  
19 tendent of schools of such board of education, shall, if requested  
20 to do so by the central board of education of such city, also act as  
21 city superintendent of schools of such central board for such period  
22 of time as the central board shall specify, without additional  
23 compensation. The holding of such additional office as city superin-  
24 tendent of schools shall not affect or impair the status, rights and  
25 powers of such officer as superintendent of schools of such board  
26 of education.

1 (c) Prior to July first, nineteen hundred seventy, any employee  
2 of the board of education possessing the requisite qualifications  
3 therefor may, with his consent and upon designation to serve in  
4 such capacity by any community board of education of such city,  
5 act as community superintendent of schools of such community  
6 board, without additional compensation, while performing the  
7 duties of his position with the board of education. The acceptance  
8 of such designation shall not affect or impair the status, rights and  
9 powers of such person as an employee of the board of education.

10 § 18. Notwithstanding the repeal of subdivisions three, four, five,  
11 six, seven, eight and nine of section twenty-five hundred seventy-  
12 five of such law by section fourteen of this act, all resolutions  
13 adopted by the board of education of the city of New York and  
14 approved by the board of estimate or mayor of such city pursuant  
15 to the provisions of such subdivisions for the purpose of amending  
16 the provisions governing the retirement system established with  
17 respect to such board of education under such section, so as to  
18 put into effect pensions-providing-for-increased-take-home-pay  
19 plans, shall remain in full force and effect and such repeal shall  
20 not impair or affect any rights to benefits or otherwise created by  
21 such resolutions with respect to such retirement system.

22 § 19. Subdivisions twelve, thirteen and fourteen of section two  
23 of such law, as last amended by chapter seven hundred sixty-two  
24 of the laws of nineteen hundred fifty, are hereby amended to read  
25 as follows:

26 12. School authorities. The term "school authorities" means  
27 the trust or board of education, or corresponding officers,

1 whether one or more, and by whatever name known, of a city, or  
2 school district however created. *Each community board of educa-*  
3 *tion of the city of New York, shall, with respect to the schools and*  
4 *facilities which it operates and the matters within its jurisdiction,*  
5 *constitute the school authorities of the community district in which*  
6 *it functions. The central board of education of such city shall,*  
7 *with respect to the schools and facilities which it operates and the*  
8 *matters within its jurisdiction, constitute the school authorities*  
9 *of the city school district of such city.*

10 13. School officer. The term "school officer" means a clerk,  
11 collector, or treasurer of any school district; a trustee; a member  
12 of a board of education, *community board of education, central*  
13 *board of education* or other body in control of the schools by  
14 whatever name known in a union free school district, central  
15 school district, central high school district, or in a city; a super-  
16 intendent of schools; a district superintendent; a supervisor of  
17 attendance or attendance officer; or other elective or appointive  
18 officer in a school district or city whose duties generally relate to  
19 the administration of affairs connected with the public school  
20 system.

21 14. Board of education. The term "board of education" shall  
22 include by whatever name known the governing body charged  
23 with the general control, management and responsibility of the  
24 schools of a union free school district, central school district, cen-  
25 tral high school district, or of a city, *but such term shall not*  
26 *include a community board of education of the city of New York*  
27 *or the central board of education of such city in any case where*

1 *the inclusion of such board in such term would be inconsistent*  
 2 *with the provisions of article fifty-two-A of this chapter or any*  
 3 *other provision thereof.*

4 § 20. Subdivision one of section three hundred six of such law,  
 5 as last amended by chapter two hundred ninety-eight of the laws  
 6 of nineteen hundred and fifty-seven, is hereby amended to read as  
 7 follows:

8 1. Whenever it shall be proved to his satisfaction that any trus-  
 9 tee, member of a board of education, *community board of education*  
 10 *or central board of education*, clerk, collector, treasurer, district  
 11 superintendent, superintendent of schools or other school officer  
 12 is a member of an organization listed as subversive by the board of  
 13 regents pursuant to the provisions of section three thousand twenty-  
 14 two of this chapter, or has been guilty of any wilful violation or  
 15 neglect of duty under this chapter, or any other act pertaining  
 16 to common schools or other educational institution participating  
 17 in state funds, or wilfully disobeying any decision, order, rule or  
 18 regulation of the regents or of the commissioner of education, said  
 19 commissioner, after a hearing at which the school officer shall have  
 20 the right of representation by counsel, may, by an order under  
 21 his hand and seal, which order shall be recorded in his office, remove  
 22 such school officer from his office.

23 § 21. Section four hundred fifty-one of such law, as added by  
 24 chapter nine hundred ninety-nine of the laws of nineteen hundred  
 25 sixty-six, is hereby amended to read as follows:

26 § 451. Statement of legislative findings and purposes. There is  
 27 threatening in the city of New York a serious shortage of elemen-



1 tary and secondary school buildings under the jurisdiction of the  
2 *community boards of education and the central board* of education  
3 of the city of New York. This shortage is occasioned by the age  
4 and obsolescence of many existing school buildings, the large  
5 number of new school buildings that are needed in various areas  
6 of the city of New York, the scarcity and high cost of available  
7 land in the areas where such schools are needed, the typical under-  
8 utilization of land by elementary and secondary school buildings  
9 and the existing limitations on the amount of state and city funds  
10 available for the construction of such buildings.

11 In order to facilitate the timely construction of such school  
12 buildings in combination with other compatible and lawful uses,  
13 which combination would provide a highly desirable and economic  
14 utilization of available land, there should be created a corporate  
15 governmental agency of the state, constituting a public benefit  
16 corporation, to be known as the "New York city educational con-  
17 struction fund," which could receive and administer moneys for  
18 the construction and improvement of elementary and secondary  
19 school buildings in the city of New York and whose principal  
20 purpose would be the timely and responsive provision of such  
21 combined occupancy structures in accordance with the foreseeable  
22 needs of the city of New York for additional or replacement ele-  
23 mentary and secondary educational facilities and the desirability  
24 of facilitating maximum and appropriate utilization of available  
25 land. In order to encourage the investment of private capital in  
26 such combined occupancy structures and enable the construction  
27 of additional school facilities within existing financial limitations

1 through the utilization of incidental revenue produced thereby,  
2 the New York city educational construction fund should be empow-  
3 ered, through the issuance of its bonds, notes or other obligations  
4 to the private investing public, to obtain a portion of the funds  
5 necessary to finance the construction of the school portion of such  
6 structures and to apply the revenues received from both the  
7 school and non-school persons thereof to the payment of such  
8 bonds, notes or other obligations. In furtherance of these purposes,  
9 the creation, continued operation and solvency of the New York  
10 city educational construction fund, including the maintenance of  
11 the capital reserve fund provided for in subdivision one of section  
12 four hundred sixty-two of this article, is hereby declared to be a  
13 school purpose for which public monies may be appropriated,  
14 apportioned and expended.

15 While responsibility for the educational affairs of the city school  
16 district of the city of New York [including the selection of school  
17 sites and the design and construction of school facilities] must  
18 continue in the *community boards of education and the central*  
19 *board of education of the city of New York, as provided for in*  
20 *article fifty-two-A of this chapter, and responsibility for selection*  
21 *of school sites and the design and construction of school facilities*  
22 *must continue in such central board as provided in such article,*  
23 title to such sites and the school facilities constructed thereon  
24 pursuant to this article should be vested in the fund in order to  
25 facilitate the exercise of its powers.

26 § 22. Subdivisions one, five, nine, fourteen, eighteen and nine-  
27 teen of section four hundred fifty-two of such law, as added by

1 chapter nine hundred ninety-nine of the laws of nineteen hundred  
2 sixty-six, are hereby amended, respectively, to read as follows:

3 1. "Board" or "*central* board of education" shall mean the  
4 *central* board of education of the city of New York.

5 5. "Combined occupancy structure" shall mean any improve-  
6 ment on real property or any interests therein or thereto, including  
7 fee interests, easements, space rights or air rights, containing  
8 school accommodations or other facilities of a *community board of*  
9 *education* or the *central* board of education of the city of New  
10 York in combination with other compatible and lawful non-school  
11 uses designed and intended to increase, from both a planning and  
12 an economic viewpoint, the efficient utilization of available land  
13 areas.

14 9. "Developer" shall mean and include any private individual,  
15 partnership, trust or corporation approved by the *central* board of  
16 education as being qualified and eligible to enter into one or more  
17 leases, subleases or other agreements with the fund providing for  
18 the construction, acquisition, reconstruction, rehabilitation or  
19 improvement of one or more combined occupancy structures; which  
20 agreements shall be subject to approval by the *central* board of  
21 education.

22 14. "Letting agency" shall mean and include the *central* board  
23 of education or any other city agency which by agreement with the  
24 fund is to award the contracts for a particular construction, recon-  
25 struction, rehabilitation or improvement; or the fund itself, if it is  
26 to award such contracts.

1 18. "School building" shall mean a separate structure entirely  
2 devoted to use and occupancy by *a community board of education*  
3 *or the central* board of education for school purposes, including  
4 incidental and appurtenant recreational and other facilities.

5 19. "School portion" or "school portion of combined occupancy  
6 structure" shall mean that portion of a combined occupancy struc-  
7 ture designed, constructed, reconstructed, rehabilitated or improved  
8 for sole and exclusive use and occupancy by *a community board of*  
9 *education or the central* board of education for school purposes;  
10 including incidental and appurtenant recreational and other  
11 facilities.

12 § 23. Subdivision one of section four hundred fifty-three of such  
13 law, as added by chapter nine hundred ninety-nine of the laws of  
14 nineteen hundred sixty-six, is hereby amended to read as follows:

15 1. There is hereby created the "New York city educational con-  
16 struction fund." The fund shall be a corporate governmental  
17 agency constituting a public benefit corporation. It shall be admin-  
18 istered by a board of trustees consisting of the president of the  
19 *central* board of education of the city of New York, four members  
20 of such board appointed by the president thereof and four members  
21 appointed by the mayor of the city of New York. The president  
22 of the *central* board of education shall be the chairman of the fund.  
23 The chairman and the trustees who are members of the board of  
24 education shall serve during their terms of office as president and  
25 members, respectively, of the board of education. The members  
26 first appointed by the mayor shall serve for terms ending two,  
27 three, four and five years, respectively, from the date of their

1 appointment. Their successors shall serve for terms of five years  
2 each.

3 § 24. Subdivisions six, seven, eight, ten, eleven, twelve, fourteen,  
4 sixteen, twenty, twenty-one and twenty-two of section four hundred  
5 fifty-four of such law, as added by chapter nine hundred ninety-  
6 nine of the laws of nineteen hundred sixty-six, are hereby amended,  
7 respectively, to read as follows:

8 6. With the approval of the *central* board of education, to pur-  
9 chase, receive, lease or otherwise acquire real and personal prop-  
10 erty necessary or convenient for its corporate purposes;

11 7. Subject to the terms and conditions of any lease, sublease or  
12 other agreement with the *central* board of education, to possess,  
13 hold, use and improve real and personal property acquired by or  
14 on behalf of the fund so long as its corporate existence shall  
15 continue;

16 8. Upon a three-fourths vote of the trustees of the fund, and  
17 subject to the approval of the *central* board of education, to design,  
18 construct, acquire, reconstruct, rehabilitate and improve combined  
19 occupancy structures and incidental or appurtenant facilities  
20 thereto, or cause such structures and facilities to be designed, con-  
21 structed, acquired, reconstructed, rehabilitated and improved in  
22 accordance with the provisions of this article;

23 10. Subject to the terms and conditions of any lease, sublease or  
24 other agreement with the *central* board of education, to maintain,  
25 repair and keep up the real property held by it and all combined  
26 occupancy structures and facilities constructed, acquired, recon-  
27 structed, rehabilitated or improved pursuant to this article;



1 11. Subject to the terms and conditions of any lease, sublease  
 2 or other agreement with third parties and to the determination of  
 3 the *central* board of education that such real property is unneces-  
 4 sary for the present or for foreseeable future school building needs  
 5 of the city of New York, to surrender to the appropriate city  
 6 official, for other public use or for sale, lease or other disposition  
 7 in accordance with law, real property held by the fund for its  
 8 corporate purposes;

9 12. Subject to the approval of the corporation counsel as to  
 10 form, to make and execute contracts, leases, subleases and all other  
 11 instruments or agreements necessary or convenient for the exercise  
 12 of its corporate powers and the fulfillment of its corporate pur-  
 13 poses under this article; the term of any such lease or sublease or  
 14 renewal thereof shall not be limited by any provision of any general,  
 15 special or local law or charter applicable to the city of New York  
 16 or to the *central* board of education of the city of New York;

17 14. With the consent of the *central* board of education to use the  
 18 agents, employees and facilities of the board;

19 16. To assist generally, the department of real estate of the city  
 20 of New York in making land surveys, topographical surveys and  
 21 valuation appraisals of real property sought to be acquired by the  
 22 *central* board of education of the city of New York;

23 20. At the request or with the approval of the *central* board of  
 24 education, to grant, sell, lease or otherwise transfer without public  
 25 auction or bidding any real property or any rights or interests  
 26 therein or thereto, including fee interests, easements, space rights  
 27 or air rights, held by it and occupied reserved for school pur-

1 poses and needed therefor, to a private individual or corporation  
2 solely and exclusively for the purpose of developing and construct-  
3 ing therein or thereon a combined occupancy structure, or a part  
4 or portion thereof, within the meaning of this article subject to a  
5 prior and enforceable agreement approved by the *central* board  
6 of education for the reconveyance, retransfer or leaseback of the  
7 school portion thereof, upon completion, for use and occupancy by  
8 a *community board of education* or the [said] *central* board of  
9 education; provided, however, that no such sale, lease or transfer  
10 of lands or rights therein or thereto is authorized where the  
11 development of a combined occupancy structure contemplates the  
12 erection of nonschool facilities or improvements over an existing  
13 school or playground;

14 21. At the request or with the approval of the *central* board of  
15 education, to contract with the owner or other developer of a com-  
16 bined occupancy structure for the purchase or lease of the school  
17 portion thereof, upon completion for use and occupancy by a *com-*  
18 *munity board of education* or the *central* board of education of the  
19 city of New York;

20 22. To grant, sell, lease, sublease or otherwise convey the school  
21 portion of combined occupancy structures to the city of New York  
22 for use and occupancy by a *community board of education* or the  
23 *central* board of education of the city of New York;

24 § 25. Section four hundred fifty-five of such law, as added by  
25 chapter nine hundred ninety-nine of the laws of nineteen hundred  
26 sixty-six, is hereby amended to read as follows:

1    § 455. Relationship with the *central* board of education and the  
2 city of New York. In order most effectively to carry out its corpor-  
3 ate purposes, the fund shall cooperate with the director of the budget  
4 and the *central* board of education of the city of New York in  
5 matters relating to land acquisition and capital planning for school  
6 buildings and facilities. During the course of construction, recon-  
7 struction, rehabilitation and improvement of combined occupancy  
8 structures the fund shall consult with personnel of such board as  
9 the work progresses in matters relating to space requirements, site  
10 plans, architectural concept, and substantial changes in the plans  
11 and specifications therefor, and in matters relating to the original  
12 furnishings, equipment, machinery and apparatus needed to furnish  
13 and equip the school portion of such buildings and structures, upon  
14 the completion of work. The board, on its part, shall perform such  
15 functions and services for the fund as may be requested and the  
16 fund shall pay to the board, from any monies of the fund available  
17 for such purpose, the reasonable cost of such functions and services.

18    § 26. Subdivisions one and two of section four hundred fifty-  
19 seven of such law, as added by chapter nine hundred ninety-nine of  
20 the laws of nineteen hundred sixty-six, are hereby amended, respec-  
21 tively, to read as follows:

22    1. (a) No combined occupancy structure shall be acquired, leased,  
23 erected, repaired, enlarged or remodeled by the fund until the  
24 detailed plans and specifications and cost estimates for the school  
25 portion thereof have been submitted to the *central* board of educa-  
26 tion and its approval has been endorsed thereon.

1 (b) The *central* board of education shall also review and approve  
2 the architectural concept, including an outline of the plans and  
3 specifications therefor, of the non-school portion of any combined  
4 occupancy structure to be erected, repaired, enlarged or remodeled  
5 in accordance with the provisions of any lease or other agreement  
6 between the fund and any developer.

7 2. Notwithstanding any other provision of law applicable to the  
8 city school district of the city of New York or the *central* board of  
9 education of the city of New York, such district and such board  
10 shall only be required to submit an outline of the plans and specifi-  
11 cations for a combined occupancy structure, and for the school  
12 portion thereof, to the commissioner of education for his informa-  
13 tion.

14 § 27. Subdivisions one, three and four of section four hundred  
15 sixty of such law, as added by chapter nine hundred ninety-nine of  
16 the laws of nineteen hundred sixty-six, are hereby amended, respec-  
17 tively, to read as follows:

18 1. An agreement entered into between the fund and the owner  
19 or developer of a proposed combined occupancy structure pursuant  
20 to section four hundred fifty-four of this chapter shall provide for  
21 (i) the construction, acquisition, reconstruction, rehabilitation or  
22 improvement of one or more combined occupancy structures, and  
23 the purchase or acquisition of the original furnishings, equipment,  
24 machinery and apparatus to be used in the school portion of a com-  
25 bined occupancy structure upon completion of the work, (ii) the  
26 reconveyance, retransfer or leasing of all or any portion thereof and  
27 of the real property or interest therein related thereto, including

1 real property originally acquired by the *central* board of education  
2 in the name of the city of New York, upon the completion of con-  
3 struction, acquisition, reconstruction, rehabilitation or improvement  
4 upon such terms and conditions as may be agreed upon, (iii) the  
5 leasing or subleasing of such combined occupancy structures and  
6 property, or separately of the school and non-school portions thereof,  
7 by the fund upon completion for a term not exceeding forty years  
8 and upon such terms and conditions including annual rental as may  
9 be agreed upon, and (iv) the conveyance to the *central* board of  
10 education in the name of the city of New York of title to the school  
11 portion of any such combined occupancy structure at the expiration  
12 of the term of the lease, or any renewal or extension thereof, or  
13 upon earlier payment in full of the total amount specified therein,  
14 without additional charge therefor. The *central* board of education  
15 shall approve any such agreement and shall be a party thereto.

16 3. Any lease, sublease or other agreement entered into between  
17 the fund and city of New York or the *central* board of education  
18 pursuant to section four hundred fifty-four of this chapter shall  
19 provide for (i) the construction, acquisition, reconstruction, reha-  
20 bilitation or improvement of one or more combined occupancy  
21 structures and (ii) the leasing or subleasing of the school portion of  
22 such structures to the city or the board at an annual cost or rental  
23 not in excess of the average annual cost or rental of comparable new  
24 public school facilities in the city of New York and for a term not  
25 exceeding forty years, and upon such other terms and conditions as  
26 may be agreed upon.



1 4. Every lease, sublease or other agreement executed pursuant to  
2 this article shall be subject to the approval of the city commissioner  
3 of real estate and the director of the budget with respect to all  
4 rentals or other payments to be made thereunder by the city of New  
5 York, the *central* board of education or by the owner or developer  
6 of a combined occupancy structure and shall contain a clause that  
7 any agreement of the city of New York thereunder shall be deemed  
8 executory to the extent of the moneys available to the city therefor  
9 and no liability on account thereof shall be incurred by the city  
10 beyond the moneys available for the purpose thereof.

11 § 28. Paragraph c of subdivision one and subdivision two of  
12 section four hundred sixty-two of such law, as added by chapter  
13 nine hundred ninety-nine of the laws of nineteen hundred sixty-six,  
14 are hereby amended, respectively to read as follows:

15 (c) To assure the continued operation and solvency of the fund  
16 for the carrying out of the public purposes of this article, provision  
17 is made in paragraph (a) of this subdivision for the accumulation  
18 in the capital reserve fund of an amount equal to the maximum  
19 amount of principal and interest maturing and becoming due in  
20 any succeeding fiscal year on all bonds of the fund then outstanding.  
21 In order further to assure such maintenance of the capital reserve  
22 fund, the *central* board of education shall annually request from the  
23 city of New York and pay over to the fund, for deposit in the  
24 capital reserve fund, such sum, if any, as shall be certified by the  
25 chairman of the fund to the board, the mayor and the director of  
26 the budget of the city of New York as necessary to restore the  
27 capital reserve fund to an amount equal to the maximum amount

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1 of principal and interest maturing and becoming due in the next  
2 succeeding fiscal year on the bonds of the fund then outstanding;  
3 provided, however, that such sum shall have been first appropriated  
4 by the city to the board or shall otherwise have been made lawfully  
5 available to the board for such purpose. The chairman of the fund  
6 shall annually, not later than the fifteenth day of February in each  
7 year, make and deliver to the board, the mayor and the director of  
8 the budget his certificate stating the amount, if any, required to  
9 restore the capital reserve fund to the amount aforesaid and the  
10 amount so stated, if any, shall be paid to the fund by the board  
11 during the then current fiscal year of the fund. In the event of the  
12 failure or inability of the board to pay over the stated amount to  
13 the fund on or before August first of the same year, the chairman  
14 of the fund shall forthwith make and deliver to the director of  
15 finance and the comptroller a further certificate restating the amount  
16 so required and, after the comptroller shall have given written  
17 notice to the budget director, such amount shall be paid over to the  
18 fund by the director of finance on warrant of the comptroller out of  
19 the next payment of state aid apportioned to the city of New York  
20 on behalf of the city school district of the city of New York for the  
21 support of common schools. Any amount so paid over to the fund  
22 shall be deducted from the corresponding apportionment of state  
23 aid otherwise credited to the [board of education] *city of New York*  
24 *in behalf of the city school district of such city* for [its] the pur-  
25 poses of the school system of such city and shall not obligate the  
26 state to make or entitle the city or [the board of education] *such*  
27 *city school district or school system* to receive any additional or

1 increased apportionment or payment of state aid for school purposes.

2 2. The fund may create and establish with the comptroller or  
3 with a trustee one or more additional funds or accounts and,  
4 subject to agreements with bondholders and noteholders, may  
5 pay into such funds or accounts (i) fees and charges collected by  
6 the fund, (ii) monies which shall be transferred from the capital  
7 reserve fund pursuant to the provisions of paragraph (a) of  
8 subdivision one of this section, and (iii) any other monies which  
9 may be made available to the fund from any other source or sources.

10 The monies held in or credited to any such reserve fund or account  
11 may, in the discretion of the fund but subject to agreements with  
12 bondholders and noteholders, be used by the fund (a) for the repay-  
13 ment of advances from the city of New York, (b) to reimburse  
14 the *central* board of education of the city of New York the rea-  
15 sonable costs of services performed by the board for the fund  
16 pursuant to section four hundred fifty-five of this article, (c) to  
17 pay all costs, expenses and charges of financing, including fees  
18 and expenses of trustees and paying agents, (d) for transfers  
19 to the capital reserve fund, (e) for the payment of principal of  
20 and interest on bonds or notes issued by the fund when the same  
21 shall become due, whether at maturity or on call for redemption,  
22 and for the payment of any redemption premium required to be  
23 paid where such bonds or notes are redeemed prior to their stated  
24 maturities, and to purchase bonds or notes issued by the fund,  
25 (f) for such other corporate purposes as the fund in its discretion  
26 shall determine and provide, or (g) for payment to the *central*  
27 board of education for school purposes.

1    § 29. Subdivision five of section four hundred sixty-five of  
2 such law, as added by chapter nine hundred ninety-nine of the  
3 laws of nineteen hundred sixty-six, is hereby amended to read  
4 as follows:

5    5. Before declaring the principal of notes or bonds due and  
6 payable, the trustee shall first give thirty days' notice in writing  
7 to the mayor of the city of New York, to the fund, to the *central*  
8 board of education of the city of New York and to the attorney gen-  
9 eral of the state.

10   § 30. Section four hundred sixty-nine of such law, as added  
11 by chapter nine hundred ninety-nine of the laws of nineteen  
12 hundred sixty-six, is hereby amended to read as follows:

13   § 469. Annual report of trustees. The trustees of the fund  
14 shall submit to the mayor, the *central* board of education and  
15 the city council of the city of New York annually on or before  
16 February first, a full report of its activities and operations through  
17 the thirtieth day of the preceding September, including: (1)  
18 details as to projects in planning, projects in the process of con-  
19 struction, acquisition, reconstruction, rehabilitation or improve-  
20 ment; and projects completed; (2) the performance record of  
21 the trustees in completing construction in accordance with the  
22 desired completion dates and within the estimated costs; (3) the  
23 architects, engineers and other private consultants engaged by  
24 the trustees of the fund on a contract basis and a statement of  
25 the total amount paid and yet to be paid, or estimated yet to be  
26 paid, under each such contract; (4) the moneys made available  
27 for the purposes of the fund; (5) details as to any lease, sublease

1 or agreement executed by the trustees of the fund and the annual  
2 rentals to be paid or received on account thereof; (6) its assets and  
3 liabilities at the end of the fiscal year, including the status of  
4 reserve funds and other funds and accounts, (7) a schedule of  
5 its bonds and notes outstanding at the end of its fiscal year,  
6 together with the amounts redeemed and incurred during such  
7 fiscal year, and such other information related to the activities and  
8 operation of the fund as the trustees may consider pertinent.

9 § 31. Subdivision four of section thirty-one hundred one of  
10 such law, as added by chapter seven hundred nineteen of the laws  
11 of nineteen hundred fifty-six, is hereby amended to read as follows:

12 4. "Transfer credit" shall mean the credit given by the school  
13 authorities to a teacher for years of service outside the school  
14 district. *In any case where service of a teacher with a community*  
15 *board of education of the city of New York or with the central*  
16 *board of education of such city constitutes, under the provisions*  
17 *of section thirty-one hundred six-b of this chapter, service with*  
18 *a school district separate and different from the school district*  
19 *of such city wherein such teacher seeks transfer credit, such*  
20 *service with such separate and different school district shall con-*  
21 *stitute service outside such district wherein transfer credit is sought.*

22 § 32. Section thirty-one hundred six-a of such law, as added  
23 by chapter two hundred fifty-nine of the laws of nineteen hundred  
24 sixty-three, is hereby amended to read as follows:

25 § 3106-a. Minimum salary increases for supervisors in school  
26 districts having a population of one million or more. 1. Notwith-  
27 standing any other provisions in this article, salary increases



1 henceforth granted to supervisory personnel shall be based upon  
2 salary increases henceforth granted to teachers on the maximum  
3 of their salary schedules. The maximum of teachers' salary sched-  
4 ules shall be defined as the salary of a teacher at the highest salary  
5 level which may be reached by length of service and which includes  
6 all differentials and/or increments to which he may be entitled.

7 The board of education, *each community board of education and*  
8 *the central board of education* shall be required to grant salary  
9 increases to supervisory personnel above the grade of teacher, when-  
10 ever it grants increases to teachers on the maximum of their salary  
11 schedules, as follows:

12 An examiner shall receive a salary increase that is, at least 2.225  
13 times the salary increase given to a teacher on maximum salary as  
14 defined in this section. An assistant superintendent shall receive a  
15 salary increase that is, at least, 2.15 times the aforesaid teacher  
16 increase. A high school principal shall receive a salary increase  
17 that is, at least, 2.00 times the aforesaid teacher increase. A junior  
18 high school principal shall receive a salary increase that is, at least  
19 1.85 times the aforesaid teacher increase. An elementary school  
20 principal shall receive a salary increase that is, at least, 1.70 times  
21 the aforesaid teacher increase. A junior principal and a principal  
22 of a youth and adult center shall receive a salary increase that is,  
23 at least, 1.55 times the aforesaid teacher increase. A chairman of  
24 department in high school, administrative assistant, and assistant  
25 principal shall receive a salary increase that is, at least, 1.45 times  
26 the aforesaid teacher increase.

1     § 33. Such law is hereby amended by adding thereto a new sec-  
2     tion, to be section thirty-one hundred six-b, to read as follows:

3     § 3106-b. *Administration with respect to New York city com-*  
4     *munity school system. 1. For the purposes of the preceding sections*  
5     *of this article:*

6     (a) *service as an employee of a community board of education of*  
7     *the city of New York shall constitute service with a school district*  
8     *separate and different from any other community school district and*  
9     *from the city school district of such city; and*

10    (b) *service as an employee of the central board of education, shall*  
11    *be deemed service with the city school district of such city and shall*  
12    *constitute service with a school district separate and different from*  
13    *any community school district of such city.*

14    2. *Action by such central board and by any such community*  
15    *board under such sections shall be subject to the powers of the*  
16    *central board to act exclusively for the school system of the city with*  
17    *respect to collective bargaining and to establish citywide salary*  
18    *schedules pursuant to paragraphs e and f of subdivision two of*  
19    *section twenty-five hundred ninety-h of this chapter; provided, how-*  
20    *ever, that any such action shall comply with the requirements of*  
21    *such sections of this article.*

22    § 34. Section thirty-one hundred seven of such law, as last  
23    amended by chapter seven hundred eighty-four of the laws of nine-  
24    teen hundred sixty-one, is hereby amended to read as follows:

25    § 3107. In cities having a population of one million or more,  
26    employees of the board of education, a community board of educa-  
27    tion or the central board of education who are members of the New

1 York city teachers' retirement system shall be granted sick leave  
2 due to personal illness. Such sick leave shall be on the basis of at  
3 least ten days for each year of service, cumulative to a maximum of  
4 two hundred days. Members shall upon application be granted a  
5 retirement leave of absence with full pay consisting of one-half of  
6 their accumulated unused sick leave, up to a maximum of one school  
7 term or the equivalent number of school days.

8 Members of the New York city teachers' retirement system who  
9 are in the employ of the board of higher education and members of  
10 the permanent instructional staff of the board of higher education  
11 who are members of any other retirement system shall be eligible  
12 for retirement leave on the same basis as employees of the board of  
13 education, *a community board of education and the central board of*  
14 *education*, except that such members shall be granted sick leave due  
15 to personal illness of twenty days for each year of service cumula-  
16 tive to a maximum of one hundred sixty days. Such members shall  
17 upon application to the board of higher education be granted a  
18 retirement leave with full pay consisting of one-half of their accu-  
19 mulated unused sick leave, up to a maximum of one semester or the  
20 equivalent number of school days.

21 Members of any retirement system who are members of the perma-  
22 nent instructional staff of any community college in the city of New  
23 York shall upon application be granted a retirement leave of absence  
24 with full pay consisting of one-half of their accumulated unused  
25 sick leave, up to a maximum of one semester or the equivalent num-  
26 ber of school days.

1 Days when school is not in session shall not be counted in the  
2 calculation of such retirement leave. When a vacation period inter-  
3 venes between the end of a retirement leave and the member's retire-  
4 ment date, such vacation period shall be deemed a period of active  
5 service for all purposes including compensation.

6 A retirement leave of absence shall be cancelled when a member  
7 on such leave files an application for immediate retirement or files  
8 an application for reinstatement to active service, in which event  
9 such member shall be deemed to have forfeited the future right to  
10 the number of days of retirement leave already taken. In the event  
11 that a member on retirement leave applies for a sick leave during  
12 the period of such retirement leave, he shall thereupon become  
13 entitled to his total accumulated unused sick leave minus the num-  
14 ber of school days actually taken as retirement leave, provided how-  
15 ever, that such retirement leave, exclusive of sick leave, shall not  
16 exceed one school term or semester, or the equivalent number of  
17 school days. However, members of the instructional staff of the  
18 board of higher education or of the community colleges of the city  
19 of New York who are entitled to retirement leave of one semester  
20 shall not have the right to start a retirement leave during the  
21 course of a semester, nor may any member of the instructional staff  
22 of the board of higher education or of the community colleges of  
23 the city of New York on retirement leave have the right to be rein-  
24 stated to active service during the course of a semester.

25 The extent of such leaves shall be included in the number of years  
26 of allowable service for retirement purposes.

27 The duties of members on retirement leave shall be covered in  
28 like manner as when members are absent on sick leave.

1 Any provision of law inconsistent with this section is hereby  
2 deemed superseded.

3 § 35. Section thirty-two hundred forty of such law is hereby  
4 amended to read as follows:

5 § 3240. School census in the cities of New York, Buffalo and  
6 Rochester. In *the city of New York, provision shall be made by*  
7 *each community board of education and by the central board of*  
8 *education, with respect to the schools operated by each such board,*  
9 *and in the cities of [New York,] Buffalo and Rochester provision*  
10 *shall be made by the board of education for taking a school census*  
11 *in connection with the work of enforcing part one of this article.*

12 § 36. Subdivision one of section thirty-seven hundred thirteen  
13 of such law, as added by chapter seven hundred seventy-nine of  
14 the laws of nineteen hundred fifty-one, is hereby amended to read  
15 as follows:

16 1. The state, any school district or its trustees or board of educa-  
17 tion is hereby authorized and empowered to accept the provisions  
18 of any law of the United States making appropriations for the  
19 purpose of defraying the cost of providing the public education,  
20 the cost of planning and constructing public school facilities or  
21 any other educational purpose. *Any community board of educa-*  
22 *tion of the city of New York, acting in relation to schools, facilities*  
23 *or functions under the jurisdiction of such board, and the central*  
24 *board of education of such city, acting in relation to schools,*  
25 *facilities or functions under the jurisdiction of such board, is*  
26 *hereby authorized and empowered to accept the provisions of any*  
27 *law of the United States making appropriations for any of the*



1 *purposes above mentioned in this subdivision; provided, however,*  
2 *that in any case where the provisions of any such law authorize*  
3 *such central board to apply for, receive and administer any federal*  
4 *funds in relation to schools, facilities or functions under the juris-*  
5 *diction of a community board of education, the central board is*  
6 *hereby authorized to apply for, receive and administer such funds,*  
7 *and such community board shall not, without the approval of the*  
8 *central board, apply for, receive or administer such funds.*

9 § 37. Section thirty-eight hundred six of such law is hereby  
10 amended to read as follows:

11 § 3806. Penalty for failure to render an account or pay over  
12 any balance. Every school officer in the city of New York who  
13 shall refuse or neglect to render an account or to pay over any  
14 balance in his hands at the expiration of his term of office shall  
15 for each offense forfeit the sum of fifty dollars, which sum, together  
16 with such unpaid balance, shall be sued for and collected by the  
17 *central* board of education of such city, which board shall prosecute  
18 without delay for the recovery of such forfeiture, together with  
19 the unpaid balance; and in case of the death of such school officer  
20 suit may be brought against his representatives, and all moneys  
21 recovered, after deducting expenses, shall be placed at the disposal  
22 of the *central* board of education of such city.

23 § 38. Section thirty-eight hundred seven of such law is hereby  
24 amended to read as follows:

25 § 3807. Penalty for false reports and misapplication of public  
26 funds. Every person in the employ of the *central* board of educa-  
27 *tion or any community board of education* of the city of New York,

1 and every school officer and every officer or teacher of a school  
 2 or society, who shall wilfully sign a false report to *any* such board  
 3 of education, shall for each offense forfeit the sum of twenty-five  
 4 dollars; and every such person or officer who shall wilfully mis-  
 5 apply any of the public funds committed to his care shall be deemed  
 6 guilty of embezzlement.

7 § 39. Subdivision three of section thirty-eight hundred thirteen  
 8 of such law is hereby amended to read as follows:

9 3. The provisions of this section shall not supersede, alter or  
 10 affect the provisions of section twenty-five hundred ~~twelve~~ *sixty-*  
 11 *two or section twenty-five hundred ninety-x* of this chapter.

12 § 40. Subdivision one of section forty-four hundred three of  
 13 such law, such subdivision having been last amended by chapter  
 14 seven hundred eighty-six of the laws of nineteen hundred sixty-  
 15 seven, is hereby amended to read as follows:

16 1. The state education department shall have the power and  
 17 duty to provide within the limits of the appropriations made there-  
 18 for, home-teaching, transportation, scholarships in non-residence  
 19 schools, tuition or maintenance and tuition in elementary, secondary,  
 20 higher, special and technical schools, for handicapped children in  
 21 whole or in part from funds of the department, when not other-  
 22 wise provided by parents, guardians, local authorities or by other  
 23 sources, public or private. When the family court, or the *central*  
 24 board of education of the city of New York, shall issue an order  
 25 to provide for the education, including home-teaching, transporta-  
 26 tion, scholarships, tuition or maintenance, of any handicapped  
 27 child the commissioner of education, if he approves such order,

1 shall issue a certificate to such effect in duplicate, one of which  
2 shall be filed with the clerk of the board of supervisors or other  
3 governing elective body of the county or chief fiscal officer of a  
4 city and one in the office of the commissioner of education.

5 § 41. Subdivision three of section forty-five hundred one of  
6 such law is hereby amended to read as follows:

7 3. The provisions of this section shall not apply to the *central*  
8 *board of education of the city of New York or to any community*  
9 *board of education of such city.*

10 § 42. Section forty-five hundred one of such law is hereby  
11 amended by adding thereto a new subdivision, to be subdivision  
12 four, to read as follows:

13 4. *The powers and duties vested by the preceding subdivisions*  
14 *of this section in a city school district, acting through the board*  
15 *of education, shall, with respect to the city school district of the*  
16 *city of New York, be vested, on and after July first, nineteen*  
17 *hundred seventy, in the city school district of such city, acting*  
18 *through its central board of education.*

19 § 43. Section forty-six hundred one of such law is hereby  
20 amended by adding thereto a new subdivision, to be subdivision  
21 nine, to read as follows:

22 9. *The powers, functions and duties vested by the preceding*  
23 *subdivisions of this section in the board of education of a city or*  
24 *school district shall, with respect to the city of New York and the*  
25 *city school district of such city, be vested in the central board of*  
26 *education of such city.*

1    § 44. Section forty-six hundred two of such law is hereby  
2 amended by adding thereto a new subdivision, to be subdivision  
3 nine, to read as follows:

4    9. *The powers, functions and duties vested by the preceding sub-*  
5 *divisions of this section in the board of education of a city shall*  
6 *be vested, with respect to the city of New York, in the central*  
7 *board of education of such city.*

8    § 45. Section forty-six hundred three of such law is hereby  
9 amended to read as follows:

10 . § 4603. Vocational and educational guidance. 1. [The] board  
11 of education of each city and of each school district *and the cen-*  
12 *tral board of education and any community board of education*  
13 *of the city of New York* may employ one or more qualified persons  
14 for the purpose of providing vocational and educational guidance  
15 for minors. Such vocational and educational guidance service  
16 and the qualifications of the teachers employed for such work shall  
17 be approved by the commissioner of education.

18    2. [The] *Subject to the provisions of subdivisions five and six*  
19 *of this section, the* board of education of each city and of each  
20 school district may establish, conduct, and maintain as a part of  
21 the public school system a guidance bureau which shall perform  
22 such of the following duties as may be determined by such board  
23 of education:

24    a. Providing information and counsel for pupils regarding edu-  
25 cational and occupational opportunities.

26    b. Assembling and maintaining cumulative records of pupils.

1 c. Providing employment and follow-up service for minors in  
2 cooperation with existing public agencies.

3 d. Conducting research studies of pupils and the local educa-  
4 tional and occupational opportunities in cooperation with existing  
5 public agencies, including studies of pupils with regard to chrono-  
6 logical, psychological and physical status.

7 e. Assisting in the organization of courses of study dealing with  
8 educational and occupational opportunities for use in the schools  
9 and in teaching and supervising such courses.

10 f. Organizing and conducting a counseling service in the schools  
11 to assist pupils in the formation of their educational and vocational  
12 plans.

13 3. Such boards of education may employ one or more qualified  
14 persons for the purposes specified in this section. When two or  
15 more such persons are employed as teachers, counsellors or guidance  
16 workers one may be appointed as director or supervisor.

17 4. The state education department shall employ a supervisor of  
18 vocational and educational guidance who shall cooperate with the  
19 local school authorities in the development of an adequate program  
20 of vocational and educational guidance.

21 5. The board of education of each city and of each school dis-  
22 trict having a population of one hundred thousand or more shall  
23 establish, conduct and maintain a guidance bureau. *The central*  
24 *board of education of the city of New York shall establish, conduct*  
25 *and maintain such a bureau, subject to the provisions of subdivision*  
26 *six of this section.* The organization and functions of each such  
27 bureau shall be determined by the board of education *or central*



1 *board of education, as the case may be, in accordance with the pro-*  
2 *visions of this section authorizing the establishment of guidance*  
3 *bureaus.*

4 *6. The guidance bureau maintained by the central board of*  
5 *education of the city of New York shall be the sole guidance bureau*  
6 *established in the school system of such city and shall perform,*  
7 *with respect to the schools and facilities which such board oper-*  
8 *ates, such of the duties specified in subdivision two of this section*  
9 *as may be determined by such board. At the request of any com-*  
10 *munity board of such city, the central board may cause such*  
11 *bureau to perform any of such duties for such community board.*  
12 *Nothing contained in this subdivision six shall be construed as*  
13 *preventing a community board from exercising the powers specified*  
14 *in subdivision one of this section.*

15 § 46. Section forty-six hundred four of such law is hereby  
16 amended to read as follows:

17 § 4604. Practical arts. 1. The board of education of each city  
18 and of each school district *and the central board of education and*  
19 *any community board of education of the city of New York may*  
20 employ one or more qualified teachers for the purpose of provid-  
21 ing instruction for minors in any of the following practical arts  
22 subjects.

23 a. Industrial arts.

24 b. Household arts.

25 c. Commercial arts.

26 d. Agricultural arts.

1     2. Such boards may establish and maintain non-vocational try-  
2 out or exploratory courses in industrial arts, household arts, com-  
3 mercial arts, agricultural arts, music, fine art and applied art.

4     3. Such practical arts courses and exploratory courses shall be  
5 classified as general education courses and the schools which offer  
6 such courses shall not designate them as trade, or technical or  
7 vocational nor shall any school offering practical arts courses  
8 include as a part of its name the words "trade" or "technical"  
9 or "vocational", unless such school has actually been registered  
10 or approved as a trade, technical or vocational school.

11     § 47. Subdivision one of section forty-six hundred five of such  
12 law is hereby amended to read as follows:

13     1. a. **[The]** *Subject to the provisions of paragraph b of this sub-*  
14 *division, the board of education of each city and school district*  
15 *and the central board of education and any community board of*  
16 *education of the city of New York may establish and maintain day*  
17 *and evening schools for adults, the controlling purpose of which*  
18 *shall be to provide a general program of continuing education in*  
19 *all its aspects for the improvement of the civic, vocational and*  
20 *general intelligence of adults and to enable them to make a wise*  
21 *use of their leisure time. Such adult schools may be of the following*  
22 *kinds:*

23     **[a]** 1. Citizenship schools providing instruction in English,  
24 civics, the common branches and other subjects which may increase  
25 the civic and general intelligence of foreign born, illiterate and  
26 non-English speaking persons.

1   **[b]** 2. General adult schools providing instruction in approved  
 2 high school subjects, general cultural subjects, approved voca-  
 3 tional subjects, music, dramatic arts, fine, applied and industrial  
 4 arts subjects.

5   **[c]** 3. Recreation and leisure time schools providing instruction  
 6 in physical education, health education, sports, games, arts and  
 7 crafts and leisure time activities generally.

8   *b. General adult schools in which instruction in approved high*  
 9 *school subjects is given shall not be operated by a community board*  
 10 *of education of the city of New York.*

11   § 48. Section forty-six hundred six of such law, subdivision one  
 12 thereof having been last amended by chapter four hundred eighteen  
 13 of the laws of nineteen hundred fifty-six, is hereby amended to  
 14 read as follows:

15   § 4606. Advisory board. 1. *a.* The board of education of each  
 16 city and of each school district maintaining any kind of vocational  
 17 school shall appoint an advisory board for vocational and extension  
 18 education consisting of five members representing the local trades,  
 19 industries and occupations, except that in a city having a popula-  
 20 tion of one million or more, said advisory board shall consist of  
 21 seven members, and the state industrial commissioner and the chair-  
 22 man of the workmen's compensation board who shall be ex officio  
 23 members of such board. In the first instance two of such members  
 24 shall be appointed for a term of one year. Three of such members  
 25 shall be appointed for a term of two years. In a city having a  
 26 population of one million or more, vacancies hereafter occurring  
 27 on such board shall be filled in such manner that the terms of four

1 members shall expire on the thirty-first day of December in the  
2 next even numbered year, and the terms of three members shall  
3 expire on the thirty-first day of December in the next odd numbered  
4 year. Thereafter as the terms of such members shall expire the  
5 vacancies caused thereby shall be filled for a full term of two years.  
6 Any other vacancy occurring on such board shall be filled by the  
7 appointing power named in this section for the remainder of the  
8 unexpired term.

9 *b. On and after July first, nineteen hundred seventy:*

10 *(1) the advisory board appointed by the board of education of*  
11 *the city of New York pursuant to the provisions of paragraph a of*  
12 *this subdivision, shall continue as the advisory board of the com-*  
13 *munity school system of such city, and shall be constituted as pro-*  
14 *vided for in this subdivision; and*

15 *(2) all functions, powers and duties vested by the provisions*  
16 *of such paragraph a in the board of education of a city shall be*  
17 *performed or exercised, with respect to the city of New York, by*  
18 *such central board.*

19 2. It shall be the duty of [such] the advisory board for vocational  
20 and extension education appointed by a board of education to  
21 counsel with and advise the board of education in relation to the  
22 powers and duties vested in such board by this article in respect  
23 to vocational schools, vocational and educational guidance, prac-  
24 tical arts and adult schools. *It shall be the duty of the advisory*  
25 *board appointed for the city of New York to counsel with and*  
26 *advise the central board of education and community boards of*  
27 *education of such city in relation to the respective powers and*

1 *duties vested in such boards by this article with regard to such*  
 2 *schools, guidance and arts. To accomplish this purpose, any such*  
 3 *advisory board may:*

4 a. Make, or cause to be made, studies and surveys for the purpose  
 5 of determining local needs for vocational schools, vocational and  
 6 educational guidance, practical arts and adult schools.

7 b. Appoint committees to assist in the work of preparing studies,  
 8 reports and information [for the board of education] regarding  
 9 vocational schools, vocational and educational guidance, practical  
 10 arts and adult schools *for any educational board having jurisdic-*  
 11 *tion as to such schools, guidance or arts.*

12 c. Promote generally the establishment of vocational schools, pro-  
 13 grams of guidance, practical arts classes, and adult schools and  
 14 classes as parts of the local program of public education.

15 3. The board of education of any city or school district having an  
 16 advisory board for vocational and extension education may employ  
 17 a secretary, clerks, stenographers, investigators and research work-  
 18 ers and assign them to perform such functions as may be determined  
 19 by the advisory board. *On and after July first, nineteen hundred*  
 20 *seventy, the central board of education of the city of New York may*  
 21 *employ such personnel and assign them to perform such functions*  
 22 *as may be determined by the advisory board for such city.*

23 § 49. Section forty-six hundred seven of such law is hereby  
 24 amended to read as follows:

25 § 4607. Authority and duties of board of education. 1. The  
 26 board of education of each city and school district maintaining any  
 27 kind of vocational school, practical arts class, vocational and educa-



1 tional guidance program or adult school has full power and  
2 authority:

3 a. To employ properly certificated directors, supervisors, prin-  
4 cipals, teachers and counselors and assign them to serve in the  
5 schools and classes authorized by this article.

6 b. To establish approved courses of study.

7 c. To purchase or acquire sites and grounds and to purchase,  
8 acquire, lease or construct and to repair suitable shops and build-  
9 ings after consultation with the advisory board for vocational and  
10 extension education.

11 d. To purchase necessary machinery, tools, apparatus, books and  
12 supplies after consultation with the advisory board for vocational  
13 and extension education.

14 2. *The central board of education and any community board of*  
15 *education of the city of New York shall have full power and author-*  
16 *ity, with respect to any vocational school, practical arts class, voca-*  
17 *tional and educational guidance program or adult school which*  
18 *any such board is empowered to operate:*

19 a. *Subject to the provisions of section twenty-five hundred*  
20 *ninety-l of this chapter, to employ properly certificated directors,*  
21 *supervisors, principals, teachers and counselors and assign them*  
22 *to serve in relation to such schools, classes and programs;*

23 b. *To establish approved courses of study;*

24 c. *To lease suitable shops and buildings after consultation with*  
25 *the advisory board for vocational and extension education of such*  
26 *city; and*

1 *d. To purchase necessary machinery, tools, apparatus, books and*  
2 *supplies after consultation with such advisory board.*

3 *3. On and after July first, nineteen hundred seventy, the central*  
4 *board of education of the city of New York shall have full power*  
5 *and authority, in order to provide facilities for any such school or*  
6 *class conducted by such board or any community board of educa-*  
7 *tion of such city, or to effectuate any such program conducted by*  
8 *the central board or any such community board, to purchase or*  
9 *acquire sites and grounds and to purchase, acquire or construct*  
10 *and to repair suitable shops and buildings after consultation with*  
11 *such advisory board of such city.*

12 **[2]** 4. The board of education of each city and of each school  
13 district maintaining vocational schools, programs of vocational and  
14 educational guidance, practical arts classes and adult schools, and  
15 the central board of education and any community board of educa-  
16 tion of the city of New York, with respect to any such school, class  
17 or program which such board conducts, shall purchase supplies  
18 and equipment necessary for the giving of the instruction required  
19 by the approved courses of study which they have established. If  
20 such a board of education fails or refuses to provide the teachers,  
21 supplies and equipment deemed by the commissioner of education  
22 to be necessary for the giving of the instruction required by the  
23 approved courses of study. he shall withhold from the moneys  
24 annually apportioned to the city or district an amount equal to  
25 that which such city or district pays in salaries to the teachers  
26 of vocational subjects, guidance, practical arts or adult education  
27 classes. *If the central board of education or any community board*

1 of the city of New York shall commit any such failure or make any  
2 such refusal, the commissioner shall withhold from the moneys  
3 annually apportioned to such city an amount equal to that which  
4 such non-complying board pays in salaries to teachers of vocational  
5 subjects, guidance, practical arts or adult education classes.

6 § 50. Section forty-six hundred eight of such law is hereby  
7 amended by adding thereto a new subdivision, to be subdivision  
8 eight, to read as follows:

9 8. a. The functions, powers and duties vested in a school dis-  
10 trict by the preceding provisions of this section shall be vested,  
11 with respect to schools and facilities operated by any community  
12 board of education of the city of New York or by the central board  
13 of education of such city, in the board operating such schools or  
14 facilities; provided, however, that no such community board shall  
15 submit to the commissioner an application for the establishment  
16 of a program under this section unless such application has been  
17 first approved by such central board.

18 b. The commissioner is hereby authorized to make appor-  
19 tions, for the purposes and in accordance with the provisions of  
20 this section, to any such community board of education with respect  
21 to the schools and facilities which it operates and to the central  
22 board of education with respect to the schools and facilities which  
23 it operates.

24 § 51. Sections forty-nine hundred one, forty-nine hundred two  
25 and forty-nine hundred three of such law are hereby amended to  
26 read, respectively, as follows:

1 § 4901. New York nautical school may be established and main-  
2 tained. The *central* board of education of the city of New York,  
3 in its discretion, may provide and maintain a nautical school in  
4 such city for the education and training of pupils in the science  
5 and practice of navigation; may furnish accommodations for such  
6 school and make all needful rules and regulations therefor, and  
7 for the number and compensation of instructors and others employed  
8 therein; may prescribe the government and discipline thereof and  
9 the terms and conditions upon which pupils shall be received and  
10 instructed therein and discharged therefrom and provide in all  
11 things for the good management of such nautical school. Such  
12 board shall have power to purchase the books, apparatus, stationery  
13 and other things necessary or expedient to enable such school to  
14 be properly and successfully conducted; and may cause such  
15 school or the pupils, or part of the pupils thereof, to go on board  
16 vessels in the harbor of New York and take cruises in or from such  
17 harbor for the purpose of obtaining a practical knowledge in navi-  
18 gation and of the duties of mariners. Such board is hereby author-  
19 ized to apply to the United States government for the requisite  
20 use of vessels and supplies for the purposes above mentioned.

21 § 4902. Management. The *central* board of education of the city  
22 of New York shall appoint annually at least three of its numbers  
23 who, subject to the control, supervision and approbation of the  
24 board, shall constitute an executive committee for the care, govern-  
25 ment and management of such nautical school, under rules and  
26 regulations so prescribed, and whose duty it shall be, among other  
27 things, to recommend the rules and regulations which they deem  
28 necessary and proper for such school.

1     § 4903. Chamber of commerce to appoint committee to serve as  
2 council. The chamber of commerce of New York is authorized to  
3 provide for and appoint a committee of its members to serve as a  
4 council of the nautical school, whose duty it shall be, as far as may  
5 be, to advise and cooperate with the *central* board of education of  
6 the city of New York in the establishment and management of  
7 such school and from time to time to visit and examine the same,  
8 and to communicate in respect thereof with the *central* board of  
9 education or such executive committee thereof, and to make reports  
10 to the chamber of commerce which may transmit to the commis-  
11 sioner of education such reports, or any thereof, or an abstract of  
12 the same, with such recommendations as may be deemed advisable.

13     § 52. Section sixty-two hundred one of such law is hereby  
14 amended to read as follows:

15     § 6201. Function and membership of board of higher education.  
16 The board of higher education in the city of New York is hereby  
17 continued. Such board of higher education shall govern and  
18 administer that part of the public school system within the city  
19 which is of collegiate grade and which leads to academic, technical  
20 and professional degrees. Such board shall consist of twenty-one  
21 citizens who are residents of the city, who shall be appointed by  
22 the mayor. The president of the *central* board of education of such  
23 city shall also be a member ex-officio of the board of higher educa-  
24 tion. There shall be and continue to be upon the board of higher  
25 education at least four members from each of the two boroughs  
26 of the largest population as determined by the most recent state  
27 census, at least one member from the borough of smallest popula-



tion and at least three members from each of the remaining boroughs. The present members shall continue in office until the end of their respective terms and on or before the first day of June prior to the expiration of the term of office of any member appointed by the mayor the mayor shall appoint his or her successor for a full term of nine years from the first day of July following. The mayor shall fill any vacancy existing in the board of higher education, other than the president of the *central* board of education, by the appointment of a member to hold office for the unexpired term. Each member of the board of higher education appointed by the mayor shall take the oath of office required by the constitution of the state. Any resignation from the board of higher education of a member appointed by the mayor shall be made to the mayor. Any member of the board appointed by the mayor may be removed by the mayor upon proof either of official misconduct or neglect of official duties or of any conduct in any manner connected with his official duties or otherwise which tends to discredit his office, or the school system, or for mental or physical inability to perform his duties, but before such removal he shall receive due and timely notice in writing of the charges and a copy thereof and shall be entitled to a hearing on like notice before the mayor and to the assistance of counsel on such hearing.

§ 53. Subdivision two of section sixty-three hundred two of such law, as added by chapter four hundred twenty-seven of the laws of nineteen hundred fifty-one, is hereby amended to read as follows:

2. In the city of New York, the board of education, *up to and including June thirtieth, nineteen hundred seventy, and on and*

1 *after July first of such year, the central board of education of*  
 2 *such city, with the approval of the state university trustees, may*  
 3 *act as a local sponsor in the establishment and operation, as a*  
 4 *community college, of a post secondary technical vocational train-*  
 5 *ing institution which is partly supported by such board [of educa-*  
 6 *tion] and partly supported by an educational foundation for an*  
 7 *industry chartered by the board of regents.*

8 § 54. Subdivision three of section sixty-three hundred six of  
 9 such law, as last amended by chapter ninety-six of the laws of  
 10 nineteen hundred sixty-seven, is hereby amended to read as  
 11 follows:

12 3. In the city of New York, upon the establishment of a com-  
 13 munity college, sponsored by either the board of higher education  
 14 *or, up to and including June thirtieth, nineteen hundred seventy,*  
 15 *the board of education, or, on and after July first of such year,*  
 16 *the central board of education,* the respective sponsoring board  
 17 shall be the trustee and shall be vested with the powers of a board  
 18 of trustees of a community college, or upon the application of the  
 19 sponsoring board, approved by the state university trustees, the  
 20 board of trustees of such community college may be appointed and  
 21 serve in the manner provided by subdivision one of this section;  
 22 and upon the establishment and continuance of a community  
 23 college sponsored by the city of New York, the local sponsor may  
 24 designate the board of higher education *or, up to and including*  
 25 *June thirtieth nineteen hundred seventy,* the board of education in  
 26 that city, *or, on and after July first of such year, the central*  
 27 *board of education of such city,* as the trustee to be vested with

1 the powers of a board of trustees of a community college, or the  
2 local sponsor may provide that the board of trustees of such com-  
3 munity college shall be appointed and serve in the manner pro-  
4 vided by subdivision one of this section. In the event that the  
5 board of higher education or the board of education *or the central*  
6 *board of education* serves as the board of trustees of a community  
7 college in the city of New York, its powers and duties in relation  
8 thereto shall be as prescribed in this article for boards of trustees  
9 of community colleges. In the city of New York, the board of  
10 higher education and the board of trustees of the fashion institute  
11 of technology, respectively, shall under such by-laws as the respec-  
12 tive boards deem appropriate provide for the eligibility for sab-  
13 batical leaves of absence to members of their permanent instruc-  
14 tional staffs provided, however, that when such leaves are for one  
15 half year, they shall be at full pay, and when such leaves are for  
16 one year, they shall be at half pay.

17 § 55. Sections five hundred twenty-one, five hundred twenty-  
18 two, five hundred twenty-three, five hundred twenty-four, five hun-  
19 dred twenty-five and five hundred twenty-six of the New York city  
20 charter are hereby amended to read as follows:

21 Property Under [Board of] Education Boards; Care and Con-  
22 trol; Suits in Regard Thereto

23 § 521. a. The title to all property, real and personal, heretofore  
24 or hereafter acquired for school or educational purposes, and also  
25 the title to all property, real and personal, purchased for school  
26 or educational purposes with any school moneys, whether derived  
27 from the issue of bonds or raised by taxation, shall be vested in

1 the city, but under the care and control of the *central* board of  
2 education *or a community board of education, as prescribed by*  
3 *article fifty-two-A of the education law*, for the purposes of public  
4 education, recreation and other public uses.

5 b. Suits in relation to such property shall be brought in the name  
6 of the board [of education] *having care and control thereof under*  
7 *the provisions of subdivision a of this section, subject to the pro-*  
8 *visions of subdivision one of section twenty-five hundred ninety-x*  
9 *of the education law.*

10 c. The city shall have power to take and hold any property,  
11 real or personal, devised or bequeathed or transferred to it, for  
12 the purposes of education in said city; but such property shall be  
13 under the care and control of the *central* board of education *or a*  
14 *community board of education, as prescribed by article fifty-two-A*  
15 *of the education law*, for the purposes of public education, recrea-  
16 tion and other public uses in the city.

17 Reports of board

18 § 522. The central board of education shall on or before the  
19 thirtieth day of November in each year make and transmit to the  
20 mayor a report in writing, for the year ending on the thirty-first  
21 day of July next preceding, stating, *with respect to the school*  
22 *system of the city*, the whole number of schools under its jurisdic-  
23 tion *and the whole number under the jurisdiction of community*  
24 *boards of education* during the said year; the number of teachers;  
25 the total number of pupils on register, and the average attendance  
26 at each school; the number of high schools and training schools  
27 for teachers, with the number of teachers and the attendance of

1 pupils at each; the corporate schools or societies from which reports  
 2 have been made to the *central* board of education, the length of  
 3 time such schools have been kept open, and the number of teachers  
 4 and of pupils taught in each such school and the total amount of  
 5 money expended for the purposes of public education in the city  
 6 during the preceding fiscal year. The *central* board of education  
 7 shall also make in said reports such suggestions and recommenda-  
 8 tions relative to the public schools of the city as it may deem  
 9 proper.

10 Removal by mayor after hearing

11 § 523. Any member of the board of education or of the local  
 12 school board *or of a community board of education or the central*  
 13 *board of education* may be removed by the mayor on proof of  
 14 official misconduct in office or of negligence in official duties or of  
 15 conduct in any manner connected with his official duties, or other-  
 16 wise, which tends to discredit his office or the school system, or for  
 17 mental or physical inability to perform his duties; but before  
 18 removal he shall receive notice in writing of the charges and copy  
 19 thereof, and shall be entitled to a hearing on notice before the  
 20 mayor and to the assistance of counsel at said hearing.

21 School Officers Not to Be Interested in Contracts; Removal

22 § 524. The board of education, *and on and after July first,*  
 23 *nineteen hundred seventy, the central board of education,* shall  
 24 have the power to remove from office any school officer who shall  
 25 have been directly or indirectly interested in the furnishing of any  
 26 supplies or materials, or in the doing of any work or labor, or in  
 27 the sale or leasing of any real estate, or in any proposal, agreement



1 or contract for any of these purposes, in any case in which the  
 2 price or consideration is to be paid, in whole or in part, directly  
 3 or indirectly, out of any school moneys, or who shall have received  
 4 from any source whatever any commission or compensation in  
 5 connection with any of the matters aforesaid; and any school  
 6 officer who shall violate the preceding provisions of this section  
 7 shall be deemed guilty of a misdemeanor, and shall also forfeit  
 8 his office and be ineligible to any office or employment under the  
 9 board of education *or any community board of education, or the*  
 10 *central board of education*, or under the city or any agency. The  
 11 provisions of this section shall not apply to authors of school books  
 12 used in any of the public schools because of any interest they may  
 13 have as authors in such books.

14 Contributions to political funds, etc., prohibited

15 § 525. Neither the city superintendent of schools, *nor any com-*  
 16 *munity superintendent of schools*, nor any associate or assistant  
 17 superintendent of schools, nor any member of the board of exam-  
 18 iners, nor any member of the supervising or teaching staff of the  
 19 department of education of the city shall be permitted to con-  
 20 tribute any moneys, directly or indirectly, to any fund intended  
 21 to affect legislation increasing their emoluments, but nothing herein  
 22 shall be construed to deny any right afforded by section eleven  
 23 hundred twenty-four.

24 Powers of Investigation

25 § 526. The *central* board of education may investigate, of its  
 26 own motion or otherwise either in the board or by a committee of  
 27 its own body, any subject of which *such board or any community*

1 *board of education* has cognizance or over which [it] *either such*  
 2 *board* has legal control, including the conduct of any of [its] *the*  
 3 members or employees [or those] of [any local school] *either*  
 4 *such board*; and for the purpose of such investigation, such *central*  
 5 board or its president, or committee or its chairman, shall have and  
 6 may exercise all the powers which [a] *the central board* [of educa-  
 7 tion] has or may exercise in the case of a trial under the educa-  
 8 tion law or the civil practice [act] *law and rules*. Any action or  
 9 determination of a committee appointed under the provisions of  
 10 this section shall be subject to approval or reversal by the *central*  
 11 board, which may also modify the determination of the committee  
 12 in such way as the board shall deem proper and just, and the  
 13 judgment of the board thereon shall be final.

14 § 56. Subdivision four of section eleven hundred six of such  
 15 charter is hereby amended to read as follows:

16 (4) As used in this section, the term "agency" shall mean a  
 17 city, county, borough or other office, position, department, division,  
 18 bureau, board or commission or other agency of government, the  
 19 expenses of which are paid in whole or in part from the city  
 20 treasury, including the board of education, *any community board*  
 21 *of education, the central board of education*, the board of higher  
 22 education, and the board of trustees of a community college. The  
 23 term "agency" shall also include the New York city transit  
 24 authority, New York city housing authority and the triboro bridge  
 25 and tunnel authority, but shall not include any court or any cor-  
 26 poration or institution maintaining or operating a public library,  
 27 museum, botanical garden, arboretum, tomb, memorial building,  
 28 aquarium, zoological garden or similar facility.

1 § 57. Section 93d-1.0 of the administrative code of the city of  
2 New York, the opening paragraph thereof having been last amended  
3 by chapter one hundred of the laws of nineteen hundred sixty-  
4 three, is hereby amended to read as follows:

5 § 93d-1.0 Settlement of claims. The comptroller may require  
6 any person presenting for settlement an account or claim, except  
7 a claim with regard to excise and non-property taxes, for any cause  
8 against the city [or], the board of education, *the central board*  
9 *of education or a community board of education*, to be sworn before  
10 him, any of the deputy comptrollers, or any officer or employee  
11 of the comptroller's office or of the law department designated  
12 in a written instrument by the comptroller and filed in his office,  
13 touching such account or claim, and when so sworn, to answer  
14 orally as to any facts relative to the justness of such account or  
15 claim. Wilful false swearing before the comptroller, deputy comp-  
16 troller or officer or employee designated to conduct such oral  
17 examination is perjury and punishable as such. In adjusting  
18 and settling such claims, the comptroller, as far as practicable,  
19 shall be governed by the rules of law and principles of equity  
20 which prevail in courts of justice. Claims against the city or  
21 against any of the counties contained within its territorial limits,  
22 or payable in the first instance from moneys in the city treasury  
23 for services rendered or work done or materials or supplies fur-  
24 nished, except:

- 25 1. Claims reduced to judgment, or
- 26 2. Awards, costs, charges and expenses duly taxed or ordered
- 27 paid in judicial proceedings, or

1     3. Claims arising under the provisions of contracts made at  
2 public letting in the manner provided by chapter thirteen of the  
3 charter and chapter thirteen of the code, or

4     4. Claims, settled and adjusted by the comptroller, pursuant  
5 to the authority of this section, shall not be paid unless an auditor  
6 of accounts shall certify that the charges therefor are just and  
7 reasonable. Except as hereinbefore otherwise provided, all con-  
8 tracts with the city or any of such counties or with any public  
9 officer acting in its or their behalf, shall be subject to audit and  
10 revision by the comptroller. The power hereby given to settle  
11 and adjust such claims shall not be construed to authorize the  
12 comptroller to dispute the amount of any salary established by or  
13 under the authority of any officer or department authorized to estab-  
14 lish the same, nor to question the due performance of his duties  
15 by such officer, except when necessary to prevent fraud. If in any  
16 action at law against the city to recover upon a claim not embraced  
17 within the exceptions hereinbefore numerically specified, the amount  
18 claimed by the plaintiff is in excess of the amount so audited  
19 and settled by the comptroller, the plaintiff must establish his  
20 claim by competent evidence of value, and no testimony shall be  
21 admitted to show a promise or agreement by any officer or employee  
22 of the city or of any of the counties contained within its territorial  
23 limits, to pay any larger sum than the amount so audited or allowed  
24 by the comptroller.

25     § 58. Section B20-1.0 of such code is hereby amended by adding  
26 thereto two new subdivisions, to be, respectively, subdivisions  
27 five-a and five-b, to read as follows:

1 5-a. "Community board of education" shall mean a community  
2 board of education established pursuant to sections twenty-five  
3 hundred ninety-b and twenty-five hundred ninety-c of the educa-  
4 tion law.

5 5-b. "Central board of education" shall mean the central board  
6 of education established pursuant to sections twenty-five hundred  
7 ninety-b and twenty-five hundred ninety-g of the education law.

8 § 59. Subdivision six of section B20-1.0 of such code is hereby  
9 amended to read as follows:

10 6. "Public school" shall mean any class, school, high school,  
11 normal school, training school, vocational school, truant school,  
12 parental school, and all schools and classes conducted, *up to and*  
13 *including June thirtieth, nineteen hundred seventy*, under the order  
14 and superintendence of the board of education, *and thereafter*,  
15 *under the order and superintendence of a community board of*  
16 *education or the central board of education*, and the schools and  
17 classes maintained by the department of welfare or by the depart-  
18 ment of correction in pursuance of the rules established, *up to and*  
19 *including June thirtieth, nineteen hundred seventy*, by the board of  
20 education *and thereafter by the central board of education*, or by  
21 the commissioner of welfare or by the commissioner of correction  
22 for schools or classes maintained by such commissioners, respec-  
23 tively.

24 § 60. Subdivision seven of section B20-1.0 of such code is hereby  
25 amended to read as follows:

26 7. "Teacher" shall mean:



1 (a) the officers or employees hereinafter mentioned in this para-  
 2 graph a, who were or are appointed by the board of education prior  
 3 to July first, nineteen hundred seventy, to hold such offices or  
 4 employments with such board: the superintendent of schools, the  
 5 associate superintendents, the assistant superintendents, the director  
 6 and the assistant director of the divisions of reference and research,  
 7 the director and the assistant director of the bureau of compulsory  
 8 education, school census and child welfare, the members of the board  
 9 of examiners, the directors and the assistant directors of special  
 10 branches, the supervisor and assistant supervisors of lectures, all  
 11 principals, vice-principals, assistants-to-principals, heads of depart-  
 12 ments, and all regular and special teachers of the public day schools  
 13 of the city, and all employees [of the board of education] appointed  
 14 to regular positions in the service of the public schools at annual  
 15 salaries and whose appointments were made or shall be made from  
 16 eligible lists prepared as a result of examinations held by the board  
 17 of examiners of the board of education.

18 (b) All persons appointed by a community board of education or  
 19 by the central board of education to a regular pedagogical position  
 20 with any such board, as such position is defined in subdivision  
 21 twelve of section twenty-five hundred ninety-a of the education law,  
 22 and all persons assigned or transferred to a regular pedagogical  
 23 position with any such board pursuant to article fifty-two-A of the  
 24 education law.

25 § 61. Subdivisions one and three and of section B20-6.0 of such  
 26 code, subdivision one thereof having been last amended by chapter  
 27 four hundred fifteen of the laws of nineteen hundred sixty-one, are  
 28 hereby amended to read as follows:

1 1. The president of the *central* board of education or an author-  
 2 ized representative designated by him, in writing, and filed with  
 3 the teachers' retirement board.

4 3. Two members appointed by the mayor, one of whom shall be  
 5 a member of the *central* board of education; they shall serve until  
 6 their successors are appointed. Should the *central-board-of-educ-*  
 7 *tion* member of the retirement board cease to be a member of the  
 8 *central* board of education, he shall thereupon cease to be a member  
 9 of the retirement board.

10 § 62. Paragraphs a, b, c, d, e, g, h, i, j and k of subdivision four  
 11 of section B20-6.0 of such code, such paragraphs b, c and d having  
 12 been last amended by chapter five hundred thirty-eight of the laws  
 13 of nineteen hundred sixty-four, such paragraphs g, h, i and j having  
 14 been last amended by chapter ten hundred seventeen of the laws of  
 15 nineteen hundred sixty-five and such paragraphs k having been last  
 16 amended by chapter seven hundred eleven of the laws of nineteen  
 17 hundred forty, are hereby amended to read as follows:

18 a. Nomination. Candidates for office of teacher-member of the  
 19 retirement board shall be nominated by petition. The nominating  
 20 petition must be signed by at least one thousand contributors, each  
 21 sheet of which petition shall contain

22 (1) The name and official *community-board-of-education* or  
 23 *central-board-of-education* or board-of-higher-education position of  
 24 the candidate.

25 (2) The name and official *community-board-of-education* or  
 26 *central-board-of-education* or board-of-higher-education position of  
 27 the contributor who shall be the alternate candidate in the event of

1 a vacancy caused by the death, disability, disqualification or with-  
2 drawal of the candidate occurring prior to the day of the election.

3 (3) The names of three contributors and the number or name of  
4 the school or college and borough in which each is employed to act  
5 as tellers for the candidate at the final canvass of returns at the  
6 hall of the *central* board of education on the Tuesday following the  
7 second Thursday of May.

8 (4) A statement that the signature or signatures of a contributor  
9 which appear on more than one petition or more than once on a  
10 specific petition shall be void and shall not be counted on any  
11 petition.

12 (5) A certificate at the bottom by a contributor together with the  
13 number or name and borough of his or her school or college that all  
14 the signatures to the number of.....appearing on that par-  
15 ticular sheet of the petition are bona fide signatures of contributors  
16 known to him or her.

17 Each petition shall bear the signatures of not less than one thou-  
18 sand approving contributors endorsing the candidate, the number  
19 or name and borough of the school, the college or the department  
20 in which each contributor so endorsing is employed and the date on  
21 which each signed.

22 Contributors shall sign only one petition and the signature or  
23 signatures of a contributor which appear on more than one petition  
24 or more than once on a specific petition shall be void and shall not  
25 be registered or counted on any petition.

26 b. Filing of petitions. All petitions shall be filed with the *city*  
27 superintendent of schools or his authorized representative not later

1 than five o'clock in the afternoon of the last day on which schools  
2 are in session preceding April twenty in each year. The date and  
3 time of such filing shall be noted on the face of the petition by the  
4 *city* superintendent of schools or his authorized representative. Peti-  
5 tions shall be open to public inspection. Each petition shall be  
6 accompanied by a written acceptance of the nomination by the  
7 candidate named in the petition and by a written statement of the  
8 contributor named as alternate candidate, that in the event of the  
9 death, disability, disqualification or withdrawal of the candidate  
10 prior to the election, he or she will accept the nomination in such a  
11 contingency.

12 In the event of but one candidate being nominated for the office  
13 of teacher-member, it shall not be necessary to prepare ballots,  
14 official blanks or tally sheets, nor for the members of the retire-  
15 ment association to meet on the second Wednesday of May for the  
16 casting of written ballots. The election of the single candidate  
17 shall be consummated on the second Wednesday of May by the city  
18 superintendent of schools casting one ballot in favor of the candi-  
19 date.

20 c. Objections to petitions. If the question of the qualification of  
21 any signer of a petition is raised by any contributor by writing to  
22 the *city* superintendent of schools, or his authorized representative,  
23 the secretary of the teachers' retirement board or his authorized  
24 representative, shall certify as to whether or not the signer is a  
25 contributor to the teachers' retirement system and entitled to vote  
26 in the election of teacher-members of the retirement board.

1 A written objection to any petition may be filed with the *city*  
2 superintendent of schools, or his authorized representative, by any  
3 contributor not later than the last day on which schools are in  
4 session preceding April twenty-seventh in each year. The *city*  
5 superintendent of schools or his authorized representative shall  
6 summarily hear and determine such objections under such rules and  
7 regulations as he may establish and shall notify in writing both the  
8 candidate and the objector of his determination of the objection not  
9 later than the first Wednesday in May.

10 d. Publication of nominations. Not later than the first Wednes-  
11 day of May in each year, the city superintendent of schools or his  
12 authorized representative shall notify each school, annex, and col-  
13 lege in which members of the retirement association are employed  
14 of the names of all nominees. On receipt of such notice, the princi-  
15 pal of the school or annex or in his absence the acting principal, and  
16 the president or acting president of a college shall give to each  
17 contributor in the school, annex or college a copy of such notice.

18 e. Form of ballots, etc. The *city* superintendent of schools or  
19 his authorized representative shall cause to be prepared the neces-  
20 sary ballots for the election. These ballots shall contain only the  
21 names of the candidates and necessary directions for voting. The  
22 *city* superintendent of schools shall determine by lot in the presence  
23 of each candidate or his duly authorized representative the order of  
24 the names of candidates on the ballot.

25 The *city* superintendent of schools or his authorized representa-  
26 tive shall cause to be distributed to each school or voting place not  
27 later than the Tuesday preceding the day of the election :



1 (1) A sufficient number of official ballots.

2 (2) The official blank form for contributors' signatures.

3 (3) Blank tally sheets in triplicate.

4 g. Elections. Procedures for members of the retirement system  
5 who are in the employ of [the New York city] *a community board*  
6 *of education or the central* board of education. On the second  
7 Wednesday of May, or if the second Wednesday of May falls on a  
8 religious or other holiday or if for any reason the schools are  
9 closed on that day then on the first school day preceding the second  
10 Wednesday of May, in each year, the contributors in each school  
11 or annex shall meet in their respective school buildings at three  
12 o'clock in the afternoon, or if the administration conditions in any  
13 school or annex are such that the meeting ought to be held at some  
14 other hours, then at such hour in such school building as shall be  
15 designated by the *city* superintendent of schools, after consultation  
16 with the principal or person in charge of such school. Such principal  
17 or person in charge or his authorized representative shall call the  
18 meeting to order, and the contributors present at the meeting shall  
19 proceed to elect from their number by written ballot, a chairman  
20 and a secretary. The candidate receiving the greatest number of  
21 votes in each instance shall be declared elected. The chairman  
22 elected shall then appoint from among the contributors at least one  
23 teller for each candidate nominated for the position of teacher-  
24 member of the retirement board. Such teller shall be an acknowl-  
25 edged supporter of the particular candidate. In no case shall there  
26 be less than three tellers. The contributors shall then proceed as  
27 follows, to vote by written and secret ballot for teacher-member of

1 the retirement board. Each contributor shall receive a ballot and  
2 sign the contributors' list in the presence of the chairman and the  
3 tellers. The contributor shall then proceed to mark his ballot in  
4 secret. As his name is called each contributor shall then deposit his  
5 ballot in the official ballot box provided by the principal or person  
6 in charge. Contributors designated as special teachers, supervisors  
7 and directors shall vote and sign the contributors' signature blank  
8 in the school or voting place nearest to the respective main offices.  
9 The *city* superintendent of schools or his authorized representative  
10 shall provide voting places for all other contributors not assigned  
11 to schools and he shall designate the person or persons who shall be  
12 responsible for the proper conduct of the election in each place so  
13 provided. If a contributor spoils a ballot he shall return it to the  
14 chairman of the meeting. Both the contributor and the chairman  
15 of the meeting shall certify on the face of the ballot that the ballot  
16 is void. The voided ballot shall then be deposited in the ballot box  
17 and thereupon another ballot shall be issued to the contributor.  
18 During the period of this meeting there shall be no electioneering  
19 or discussions regarding candidates. The chairman of the meeting  
20 shall be responsible for the proper conduct of the election. Only  
21 contributors to the retirement system may be designated as repre-  
22 sentatives of the *city* superintendent of schools or principals or  
23 heads of schools or department or persons in charge.

24 Procedure for members of the retirement system who in the  
25 employ of the board of high education of the city of New York.  
26 On the second Wednesday of May, or if the second Wednesday of  
27 May falls on a religious or other holiday or if for any reason the

1 schools are closed on that day then on the first school day preceding  
2 the second Wednesday of May, in each year, the contributors in  
3 each college building shall meet in their respective school buildings  
4 at nine o'clock in the morning, or if the administration conditions  
5 in any college are such that the meeting ought to be held at some  
6 other hour, then at such hour in such college building as shall be  
7 designated by the *city* superintendent of schools, after consultation  
8 with the principal or person in charge of such college. Such  
9 principal or person in charge or his authorized representa-  
10 tive shall call the meeting to order, and the contributors pres-  
11 ent at the meeting shall proceed to elect from their number by  
12 written ballot, a chairman and a secretary of the balloting. The  
13 candidate receiving the greatest number of votes in each instance  
14 shall be declared elected. The chairman elected shall then appoint  
15 from among the contributors at least one teller for each candidate  
16 nominated for the position of teacher-member of the retirement  
17 board. Such teller shall be an acknowledged supporter of the  
18 particular candidate. In no case shall there be less than three  
19 tellers. The chairman shall then announce the opening of the  
20 balloting, which shall continue until five o'clock in the afternoon  
21 of that day and from nine o'clock in the morning until five o'clock  
22 in the afternoon of the next succeeding school day. The contributors  
23 shall proceed as follows, to vote by written and secret ballot for  
24 teacher-member of the retirement board. Each contributor, regard-  
25 less of whether he was present at the election of the chairman and  
26 the secretary, shall receive a ballot and sign the contributors' list  
27 in the presence of at least two tellers at any time during the

1 balloting. The contributor shall then and there proceed to mark  
2 his ballot in secret and shall then deposit his ballot in the official  
3 ballot box provided by the principal or person in charge. The city  
4 superintendent of schools or his authorized representative shall  
5 provide voting places for all other contributors not assigned to  
6 colleges and he shall designate the person or persons who shall be  
7 responsible for the proper conduct of the election in each place  
8 so provided.

9 If a contributor spoils a ballot he shall return it to the chairman  
10 of the balloting. Both the contributor and the chairman of the bal-  
11 loting shall certify on the face of the ballot that the ballot is void.  
12 The voided ballot shall be deposited in the ballot box and thereupon  
13 another ballot shall be issued to the contributor.

14 During the period of this balloting there shall be no election-  
15 eering or discussions regarding candidates in the voting place.

16 The chairman of the balloting shall be responsible for the proper  
17 conduct of the election.

18 Only contributors to the retirement system may be designated  
19 as representatives of the city superintendent of schools or heads of  
20 colleges or department or persons in charge.

21 h. Returns. Procedure for members of the retirement system  
22 who are in the employ of a community board of education or the  
23 [New York city] central board of education. After all the con-  
24 tributors present in the voting place have had an opportunity to  
25 vote, the tellers shall publicly open the ballot box, count the ballots,  
26 tally and announce the vote for teacher-member of the retirement  
27 board. After the votes have been tallied the chairman and secre-

1 tary and tellers shall prepare and sign the election returns for  
2 teacher-member in triplicate. One copy of the election return  
3 shall be posted on the official bulletin board of the building in  
4 which the voting took place. One copy of the election return shall  
5 be forwarded immediately by mail to the *city* superintendent of  
6 schools and one copy to the secretary of the retirement board.  
7 Then the chairman shall place in the ballot box all the ballots cast,  
8 the spoiled ballots, the unused ballots and the contributors' sig-  
9 nature list, seal the ballot box and deliver it forthwith to the  
10 principal or person in charge of the school building or annex.  
11 A receipt shall be given to the person making this delivery. The  
12 principal or person in charge of such school building or annex  
13 shall retain such sealed box for six months following the date of  
14 voting, or until a special election is called to fill a vacancy among  
15 the teacher-members as hereinafter provided, whichever occurs first.  
16 Procedure for members of the retirement system who are in the  
17 employ of the board of higher education of the city of New York.  
18 At five o'clock in the afternoon of each day of the balloting, or  
19 as soon thereafter as possible, allowing all contributor are  
20 present at such time to cast their ballots, the tellers shall cly  
21 open the ballot box, count the ballots, tally and announce the vote  
22 for teacher-member of the retirement board. After the votes have  
23 been tallied the chairman and secretary and tellers shall prepare  
24 and sign the election returns for teacher-member for that day in  
25 triplicate. There shall be no posting of returns after the first day,  
26 but one copy of the election return shall be posted on the official  
27 bulletin board of the building in which the voting took place after



1 the second day's balloting has been completed. One copy of the  
2 election return for each day shall be forwarded immediately by  
3 mail, at the end of each day of balloting, to the *city* superintendent  
4 of schools and one copy shall be forwarded by mail, at the same  
5 time, to the secretary of the retirement board. At the end of the  
6 first day's balloting the chairman shall place in an envelope all the  
7 ballots cast during that day, and the spoiled ballots, which envelope  
8 shall be sealed and identified as the first day's balloting. The sealed  
9 envelope shall be kept in the ballot box, together with the first day's  
10 tally sheet and the contributors' signature list. At the end of the  
11 second day's balloting the ballots cast that day, the spoiled ballots,  
12 the unused ballots and the contributors' signature list shall be  
13 placed in the ballot box, the chairman shall seal the ballot box and  
14 deliver it forthwith to the person in charge of the college. A  
15 receipt shall be given to the person making this delivery. The per-  
16 son in charge of such college shall retain such sealed ballot box for  
17 six months following the date of voting, or until a special election  
18 is called to fill a vacancy among the teacher-members as hereinafter  
19 provided, whichever occurs first.

20 i. Counting the vote for teacher-member. At four o'clock in the  
21 afternoon of the Tuesday following the third Thursday of May in  
22 each year at the hall of the *central* board of education the final  
23 canvass of the returns shall be made. Each candidate for election  
24 to the office of teacher-member or his duly authorized representa-  
25 tive shall be entitled to be present at the final canvass to inspect the  
26 election returns and to witness the canvass and summary made of  
27 the number of votes cast. The *city* superintendent of schools or

1 his duly authorized representative shall preside at the canvass.  
2 The secretary of the retirement board or his duly authorized repre-  
3 sentative shall be present with all the election returns received at  
4 his office from the various schools, colleges and other voting places.  
5 No contributor duly authorized by this act shall suffer loss of pay  
6 by reason of attendance at this meeting. The tellers designated on  
7 the nominating petition, together with the *city* superintendent of  
8 schools or his authorized representative shall record and tally the  
9 vote cast in the respective schools, school annexes and colleges for  
10 each candidate for the office of teacher-member of the teachers'  
11 retirement board. The chairman of the meeting shall call for a  
12 report of the vote cast in each of the respective schools, school  
13 annexes and colleges. If the accuracy of any election return is  
14 questioned or if the election return of a voting place is missing,  
15 the vote recorded on the copy of the election return filed with the  
16 secretary of the retirement board shall be used. The total vote  
17 for each candidate as recorded on the election returns from all  
18 voting places shall be announced. The candidate receiving the  
19 greatest number of votes shall be declared elected and the pension  
20 election committee shall so certify and the city superintendent of  
21 schools or his authorized representative shall transmit immediately  
22 such certification to the retirement board. The newly elected  
23 teacher-member shall take office forthwith.  
24 Election returns, tally sheets, and all other records including  
25 ballots and contributors' signature lists shall be kept in the custody  
26 of the city superintendent of schools for a period of not less than  
27 six months after the third Thursday in May or until a vacancy

1 occurs in the office of teacher-member in the retirement board,  
2 whichever occurs first.

3 j. Vacancies. Procedure for members of the retirement system  
4 who are in the employ of [the New York city] *a community board*  
5 *of education or the central* board of education. In the event of a  
6 vacancy in the office of teacher-member of the retirement board  
7 two months or more before the expiration of his or her term, a  
8 special election shall be held to elect a teacher-member to complete  
9 the unexpired term. Such special election shall be conducted in  
10 the same manner as hereinbefore provided for a regular election,  
11 except that petitions shall be filed not later than twenty regular  
12 school days after the date on which the vacancy occurred, and the  
13 election shall be held on the third Wednesday after the closing date  
14 for the filing of petitions. Should this day fall on a holiday, the  
15 election shall be held on the first Thursday subsequent thereto on  
16 which school is in regular session.

17 Procedure for members of the retirement system who are in the  
18 employ of the board of higher education of the city of New York.  
19 In the event of a vacancy in the office of teacher-member of the  
20 retirement board two months or more before the expiration of his  
21 or her term, a special election shall be held to elect a teacher-member  
22 to complete the unexpired term. Such special election shall be  
23 conducted in the same manner as hereinbefore provided for a  
24 regular election, except that petitions shall be filed not later than  
25 twenty regular school days after the date on which the vacancy  
26 occurred, and the election shall be held on the third Wednesday  
27 after the closing date for the filing of petitions and on the school

1 day immediately succeeding it. Should the third Wednesday after  
2 said closing date fall on a holiday, the election shall be held on the  
3 first Wednesday subsequent thereto on which school is in regular  
4 session and on the next succeeding school day.

5 In the event that such vacancy among the teacher-members of  
6 the retirement board occur in June, July, August or during the  
7 time in September when schools are not in session such vacancy  
8 shall be deemed to have occurred on the first day schools are in  
9 session and the same procedure and time allowance for the election  
10 shall be followed as herein provided for the election of a teacher-  
11 member when the vacancy occurs during the school year.

12 k. Appeals. The *city* superintendent of schools or his authorized  
13 representative shall have jurisdiction to hear and summarily deter-  
14 mine any question arising in connection with the nomination or  
15 election of a teacher-member of the retirement board as set forth  
16 in this act except questions concerning the qualifications of any  
17 signer of a petition as to whether or not he or she is a contributor,  
18 in which instance the secretary of the teachers' retirement board  
19 or his authorized representative shall determine the facts.

20 § 63. An act of the legislature of nineteen hundred sixty-eight  
21 which amends or repeals or purports to amend or repeal any pro-  
22 vision which (a) is a part of article fifty-two of the education law,  
23 as in force immediately prior to July first, nineteen hundred  
24 seventy, and (b) applies specifically to the city of New York or  
25 to any city with a population of one million or more, and (c) is  
26 repealed by this act but reenacted in terms or in substance and  
27 without significant change in article fifty-two-A of the education

1 law, as added by this act, shall be legally effective notwithstanding-  
2 ing the repeal of such provision of article fifty-two by this act,  
3 and shall be construed as an amendment or repeal, as the case  
4 may be, of the corresponding provision or provisions of such article  
5 fifty-two-A, irrespective of whether such provision or provisions  
6 are contained in one or more sections, subdivisions or other parts  
7 of such article fifty-two-A, and such corresponding provision or  
8 provisions shall be deemed and construed to be amended, modified,  
9 changed or repealed as though the same had been expressly and  
10 in terms so amended, modified, changed or repealed.

11 § 64. An act of the legislature of nineteen hundred sixty-eight  
12 which amends in whole or in part or adds to or purports to amend  
13 in whole or in part or add to any provision which (a) is a part of  
14 article fifty-two of the education law, as in effect immediately  
15 prior to July first, nineteen hundred seventy, and (b) applies  
16 specifically to the city of New York or to any city with a popula-  
17 tion of one million or more and (c) is repealed by this act and is  
18 not reenacted in terms or in substance and without significant  
19 change in article fifty-two-A of the education law, as added by  
20 this act, shall be and shall be deemed and construed to be super-  
21 seded by this act as of the effective date, under the terms of this  
22 act, of the repeal of such provision by this act.

23 § 65. If any provision of this act or the application thereof  
24 to any person or circumstance shall be adjudged invalid by a  
25 court of competent jurisdiction, such order or judgment shall be  
26 confined in its operation to the controversy in which it was rendered,  
27 and shall not affect or invalidate any other provision of this act



1 or the application thereof to any other person or circumstance  
2 and to this end the provisions of this act are hereby declared to  
3 be severable.

4 § 66. (a) This act shall effect immediately, except as otherwise  
5 provided in this section.

6 (b) Sections twenty-five hundred ninety-n, twenty-five hundred  
7 ninety-u, twenty-five hundred ninety-v, twenty-five hundred ninety-  
8 w, twenty-five hundred ninety-aa and twenty-five hundred ninety-bb  
9 of the education law, as added by section one of this act, shall take  
10 effect on July first, nineteen hundred seventy.

11 (c) Subdivisions one to five, inclusive, of section twenty-five hun-  
12 dred ninety-r of the education law and subdivision five of section  
13 twenty-five hundred ninety-z of such law, as added by section one  
14 of this act, shall take effect on July first, nineteen hundred seventy.

15 (d) Sections two to fourteen, inclusive, eighteen, twenty-one to  
16 thirty, inclusive, thirty-five, thirty-seven, thirty-eight, forty to  
17 forty-five, inclusive, forty-seven, fifty, fifty-one, fifty-two, sixty-  
18 one and sixty-two of this act shall take effect on July first, nineteen  
19 hundred seventy.

20 (e) Section fifty of this act shall take effect on July first, nine-  
21 teen hundred seventy; provided, however, that any community  
22 board of education of the city of New York possessing a certificate  
23 of full authority issued pursuant to subdivision six of section twenty-  
24 five hundred ninety-dd of the education law, as added by this act,  
25 and the central board of education of such city, shall have power,  
26 prior to such date, to make application to the commissioner of  
27 education pursuant to section forty-six hundred eight of the edu-

- 1 cation law, for an apportionment for a school-to-employment pro-
- 2 gram with respect to the school year beginning on such date.
- 3 (f) The amendments to section five hundred twenty-six of the
- 4 New York city charter made by section fifty-five of this act shall
- 5 take effect on July first, nineteen hundred seventy.

NOTE.—The provisions of the Education Law proposed to be repealed by sections fourteen and fourteen-a of this act relate specifically to the functions, powers and duties of the board of education of the City of New York and certain other educational affairs in such City, as hereinafter described. These provisions are a part of Article 52 of the Education Law, which presently applies to the functions, powers and duties of boards of education and the administration of the public schools in cities with a population of 125,000 or more, i.e., New York City, Buffalo, Rochester, Syracuse, Albany and Yonkers. This bill would add to the Education Law a new Article 52-A which would decentralize the administration of the New York City school system by (1) providing for the creation of community school districts in which elementary and junior high schools would be operated by community boards of education and (2) replacing the present board of education with a central board of education which would operate the high schools and perform certain other city-wide functions. Under the terms of the bill, the proposed community school system would take over the operation of the schools from the board of education on July 1, 1970, and the teachers and other personnel of the Board of Education would be transferred to the new boards, with a continuation of tenure, salary, and retirement rights.

Accordingly, the bill would (a) amend Article 52 so as to make it inapplicable to the City of New York as of July 1, 1970 (b) repeal, as of such date, the provisions of Article 52 which apply specifically to the administration of education in New York City or cities with a population of one million or more, (c) carry forward into proposed new Article 52-A such repealed provisions, except where inconsistent with the structure and plan of the community school system, and (d) amend various provisions of the Education Law and certain provisions of the New York City Charter and Administrative Code in order to conform such provisions with the terms of proposed new Article 52-A. The bill would abolish the Board of Examiners of the City school system, by repealing Section twenty-five hundred sixty-nine of the education Law, which establishes such board, and would likewise abolish the Bureau of Compulsory Education, School Census and Child Welfare, by repealing Section twenty-five hundred seventy of such law, which provides for the maintenance of such Bureau. Section twenty-five hundred eighty-seven of such law proposed to be repealed by the bill, relates to tenure of employees of Fashion Institute of Technology. These provisions relating to the Institute are carried forward into proposed new Article 52-A.